



# ORANGE COUNTY FIRE AUTHORITY

## AGENDA

**BOARD OF DIRECTORS REGULAR MEETING**  
**Thursday, March 28, 2013**  
**6:30 P.M.**

**Regional Fire Operations and Training Center**  
**Board Room**  
1 Fire Authority Road  
Irvine, CA 92602

*Unless legally privileged, all supporting documentation and any writings or documents provided to a majority of the Board of Directors after the posting of this agenda, which relate to any item on this agenda will be made available for public review in the office of the Clerk of the Authority located on the 2<sup>nd</sup> floor of the OCFA Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602, during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Thursday, and every other Friday, (714) 573-6040. In addition, unless legally privileged, all supporting documentation and any such writings or documents will be available online at <http://www.ocfa.org>.*

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, supporting documents, including staff reports, are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact Sherry A.F. Wentz, Clerk of the Authority, at (714) 573-6040 Monday through Friday from 8 A.M. to 5 P.M.

If you wish to speak before the Fire Authority Board, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to being heard before the Board. Speaker Forms are available at the counters of both entryways of the Board Room.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040.

### CALL TO ORDER

**INVOCATION** by OCFA Chaplain Robert Benoun

**PLEDGE OF ALLEGIANCE** by Director Goedhart

**ROLL CALL**

## PRESENTATIONS

### 1. **Requests for Commendations and Proclamations**

Submitted by: Sherry Wentz, Clerk of the Authority

- A. OCFA Spirit Award to OCFA Reserve Firefighter Brandon McClintock
- B. Adopt proposed Resolution recognizing May 1-7, 2013 as “Wildfire Awareness Week”

Recommended Action:

Approve requests as submitted and make presentations to those present.

## PUBLIC COMMENTS

Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Board on items within the Board’s subject matter jurisdiction but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Board as a whole, and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience

The Agenda and Minutes are now available through the Internet at [www.ocfa.org](http://www.ocfa.org). You can access upcoming agendas on the Monday before the meeting. The minutes are the official record of the meeting and are scheduled for approval at the next regular Board of Directors meeting.

## REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR

## MINUTES

### 2. **Minutes from January 24, 2013, Regular (A) and February 28, 2013, Special (B) Meetings of the Board of Directors**

Submitted by: Sherry Wentz, Clerk of the Authority

Recommended Action:

Approve as submitted.

## CONSENT CALENDAR

### 3. **FY 2012/13 Mid-year Budget Adjustments**

Submitted by: Lori Zeller, Assistant Chief/Business Services Department

Recommended Actions:

- 1. Authorize the proposed mid-year budget adjustments.
- 2. Approve the proposed Schedule of Fund Balance.

**4. Approval of Appointment to Executive Committee**

Submitted by: Sherry Wentz, Clerk of the Authority

Recommended Action:

Ratify the 2013 appointments to the Executive Committee.

**5. Secured Fire Protection Agreement with Heritage Fields El Toro, LLC, for Entitlements in the Great Park Neighborhoods Development in the City of Irvine**

Submitted by: Brian Stephens, Assistant Chief/Support Services Department

Recommended Action:

Approve and authorize the Fire Chief to enter into a Secured Fire Protection Agreement with Heritage Fields El Toro, LLC, for Entitlements in the Great Park Neighborhoods Development in the City of Irvine.

**6. Reserve Firefighter Program Status Update**

Submitted by: Dave Thomas, Assistant Chief/Operations Department

Recommended Action:

Receive and file the report.

**7. Adoption of OCFA 2013 Legislative Policy Guidelines**

Submitted by: Brian Stephens, Assistant Chief/Support Services Department

Recommended Actions:

Adopt the OCFA 2013 Legislative Policy Guidelines and direct OCFA staff to initiate procedures to implement those policies.

**DISCUSSION CALENDAR**

**8. Amendments to the Board Rules of Procedure**

Submitted by: Sherry Wentz, Clerk of the Authority

Recommended Actions:

Adopt the proposed Resolution to amend the Board of Directors Rules of Procedure relating to public comments, the consent calendar, and meeting curfew.

**REPORTS**

**9. Chief's Report**

**BOARD MEMBER COMMENTS**

**CLOSED SESSION**

No items.

**ADJOURNMENT** - The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for May 23, 2013, at 6:30 p.m.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted in the lobby and front gate public display case of the Orange County Fire Authority, Regional Training and Operations Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting. Dated this 21<sup>st</sup> day of March 2013.

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Sherry A.F. Wentz, CMC  
Clerk of the Authority

**UPCOMING MEETINGS:**

Budget and Finance Committee Meeting	Wednesday, April 10, 2013, 12 noon
Claims Settlement Committee Meeting	Thursday, April 25, 2013, 5:30 p.m.
Executive Committee Meeting	Thursday, April 25, 2013, 6:00 p.m.

There are no supportive materials  
for Presentation Item No. 1A

**RESOLUTION NO. 2013-XX**

**A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY  
BOARD OF DIRECTORS RECOGNIZING MAY 1-7, 2013, AS  
“WILDFIRE AWARENESS WEEK”**

WHEREAS, California and Orange County’s long, hot and dry summers make our wildland areas vulnerable to severe wildfire conditions; and

WHEREAS, Orange County is currently experiencing low humidity and dry periods, which makes the brush extremely dry and flammable, creating more dangerous fire conditions; and

WHEREAS, this year’s “Wildfire Awareness Week” theme of “Ready, Set, Go!” emphasizes the importance of taking personal responsibility to prepare your home and family through home improvements, vegetation management, emergency preparedness and knowing when to leave before or when asked; and

WHEREAS, all Californians who live, work and recreate in our state’s wildland must recognize the high risk of wildfire and therefore, should strive to be fire safe and take every precaution to protect themselves, their property and our natural resources; and

WHEREAS, approximately 94 percent of wildfires in California are human-caused and therefore, are preventable; and

WHEREAS, wildfire suppression costs only represent a small portion of overall economic impacts and do not reflect the total cost of large and damaging fires; and

WHEREAS, “Wildfire Awareness Week” is a valuable opportunity for California’s fire agencies and communities to reduce the risk of wildfire and increase public safety and awareness through education on fire safety, preparation and prevention; and

WHEREAS, Governor Jerry Brown and the California Office of Emergency Services has designed the week of May 1-7, 2013, as “Wildfire Awareness Week” throughout the State.

NOW, THEREFORE BE IT RESOLVED that the Orange County Fire Authority Board of Directors does hereby recognize May 1-7, 2013, as “Wildfire Awareness Week.”

*PASSED, APPROVED and ADOPTED* this 28<sup>th</sup> day of March 2013.

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TRISH KELLEY, CHAIR  
OCFA Board of Directors

ATTEST:

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SHERRY A.F. WENTZ, CMC  
Clerk of the Authority

# MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Regular Meeting  
Thursday, January 24, 2013  
6:30 P.M.**

**Regional Fire Operations and Training Center  
Board Room  
1 Fire Authority Road  
Irvine, CA 92602-0125**

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## **CALL TO ORDER**

A regular meeting of the Orange County Fire Authority Board of Directors was called to order on January 24, 2013, at 7:55 p.m. by Chair Trish Kelley.

**INVOCATION** by OCFA Chaplain Jeff Hetschel

**PLEDGE OF ALLEGIANCE** by Director Swift

## **ROLL CALL**

<b>Present:</b> Joseph Aguirre, Placentia	Sam Allevato, San Juan Capistrano
Bob Baker, San Clemente	Rick Barnett, Villa Park
Pat Bates, County of Orange	Randal Bressette, Laguna Hills
Carol Gamble, Rancho Santa Margarita	Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods	Eugene Hernandez, Yorba Linda
Robert Johnson, Cypress	Trish Kelley, Mission Viejo
Warren Kusumoto, Los Alamitos	Jeffrey Lalloway, Irvine
Jerry McCloskey, Laguna Niguel	Kathryn McCullough, Lake Forest
Al Murray, Tustin	David Shawver, Stanton
Elizabeth Swift, Buena Park	Tri Ta, Westminster
Phillip Tsunoda, Aliso Viejo	Steven Weinberg, Dana Point

<b>Absent:</b> Janet Nguyen, County of Orange	David Sloan, Seal Beach
Sal Tinajero, Santa Ana	

## **Also present were:**

Fire Chief Keith Richter	General Counsel Dave Kendig
Deputy Chief Ron Blaul	Assistant Chief Laura Blaul
Assistant Chief Craig Kinoshita	Assistant Chief Brian Stephens
Assistant Chief Lori Zeller	Clerk of the Authority Sherry Wentz
Assistant Clerk Lydia Slivkoff	

**ADMINISTRATION OF OATH OF OFFICE FOR THE NEWLY APPOINTED BOARD MEMBERS (F: 11.02C)**

Clerk of the Authority Sherry Wentz administered the Oath of Office to the following newly appointed Board members:

Joseph Aguirre, Placentia	Bob Baker, San Clemente
Rick Barnett, Villa Park	Gerard Goedhart, La Palma
Noel Hatch, Laguna Woods	Eugene Hernandez, Yorba Linda
Robert Johnson, Cypress	Warren Kusumoto, Los Alamitos
Jeffrey Lalloway, Irvine	Jerry McCloskey, Laguna Niguel
Kathryn McCullough, Lake Forest	Tri Ta, Westminster

**PRESENTATIONS (X: 11.09)****1. Requests for Commendations and Proclamations****A. Length of Service Recognitions**

On motion of Vice Chair Weinberg and second by Director Shawver, the Board voted unanimously to approve requests as submitted and make presentations to those present.

Chair Kelley and Fire Chief Richter presented OCFA Length of Service recognitions to Heavy Fire Equipment Operator Michael Ludlam, Fire Captains Robert Salcido and Wendy Norwood, and Assistant Chief Craig Kinoshita for each of their 30 years of service to the OCFA. (F: 11.09D)

**PUBLIC COMMENTS (X: 11.11)**

Chair Kelley opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, commented on his concerns regarding the OCFA competitive bidding process, extended contracts, and the selection of the broker/dealers. (F: 11.10D4)

Hiddo Horlings, Treasurer, Orange County Professional Firefighters Association (OCPFA), Local 3631, indicated the OCPFA was disappointed with the Orange County Register for obtaining and publishing its membership survey. (F: 17.04B)

Chair Kelley closed the Public Comments portion of the meeting.

**REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR (F: 11.12)**

Budget and Finance Committee Chair Al Murray reported at the January 9, 2013, meeting of the Budget and Finance Committee, the Committee discussed and voted unanimously to send the OCFA 2013 Grants Status and Priorities and the Mid-Year Financial Report, to the Board of Directors with the recommendation that the Board approve the items.



**MINUTES (F: 11.06)****2. Minutes from November 15, 2012, Regular Board of Directors Meeting**

On motion of Director Murray and second by Vice Chair Weinberg, the Board voted unanimously to approve as submitted.

**CONSENT CALENDAR****3. OCFA 2013 Grants Status and Priorities (F: 11.10G)**

On motion of Director Bressette and second by Director Murray, the Board voted unanimously to approve OCFA's grant priorities for 2013.

**4. Grant Award Acceptance (F: 16.02C) (F: 16.02D)**

On motion of Director Bressette and second by Director Murray, the Board voted unanimously to:

1. Accept Metropolitan Medical Response System Grant FY 2010 and direct staff to increase revenue and appropriations in the General Fund (Fund 121) in the amount of \$312,658.
2. Accept Assistance to Firefighters Grant FY 2012 and direct staff to increase revenue in the General Fund (Fund 121) in the amount of \$137,920, and, appropriations in the amount of \$172,400.

**5. FY 2012/13 Second Quarter Progress Report on Planning and Development Services Activity (F: 18.03A)**

On motion of Director Bressette and second by Director Murray, the Board voted unanimously to receive and file the report.

**6. Orange County Fire Authority Fire Corps Status Report (F: 17.11C)**

On motion of Director Bressette and second by Director Murray, the Board voted unanimously to receive and file the report.

**7. Design-Build Public Works Project Delivery for Fire Station 56, Ortega Valley (F: 19.07C56)**

On motion of Director Bressette and second by Director Murray, the Board voted unanimously to:

1. Authorize the Fire Chief to use Design-Build project delivery as an approved option for public works construction.
  2. Approve the process for Prequalification and Request for Proposal for Fire Station 56, Ortega Valley.
- 8. Acceptance of Irrevocable Offer of Dedication for Fire Station 56 (The Ranch-Sendero Village) (F: 19.04) (F: 19.07C56)**

On motion of Director Bressette and second by Director Murray, the Board voted unanimously to:

1. Approve Resolution No. 2013-02 accepting the Irrevocable Offer of Dedication.

RESOLUTION NO. 2013-02

A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS ACCEPTING AN IRREVOCABLE OFFER OF DEDICATION OF REAL PROPERTY FROM RMV COMMUNITY DEVELOPMENT, LLC.

2. Authorize the Fire Chief to accept and sign the Certificate of Acceptance to the Title Company for the property offered for Fire Station 56.
3. Approve Resolution No. 2013-03 authorizing the Orange County Fire Authority to participate in the Joint Communities Facilities Agreement.

RESOLUTION NO. 2013-03

A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS APPROVING A JOINT FACILITIES AGREEMENT WITH THE SANTA MARGARITA WATER DISTRICT AND RMV COMMUNITY DEVELOPMENT, LLC.

4. Approve Resolution No. 2013-04 adopting the County of Orange California Environmental Quality Act Final Environmental Impact Report.

RESOLUTION NO. 2013-04

A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS FINDING THAT NO NEW EFFECTS WILL OCCUR OR MITIGATION MEASURES ARE REQUIRED AS A RESULT OF THE ACCEPTANCE BY THE ORANGE COUNTY FIRE AUTHORITY OF AN IRREVOCABLE OFFER OF DEDICATION OF REAL PROPERTY—FIRE STATION 56

5. Direct the Clerk of the Authority to forward the executed Resolution and Certificate of Acceptance to the Title Company for recordation with the Irrevocable Offer of Dedication or to otherwise cause same to be recorded.

**9. Secured Fire Protection Agreement with Shea Baker Ranch Associates, LLC, for Entitlements in the Baker Ranch Development in the City of Lake Forest (F: 18.14)**

On motion of Director Bressette and second by Director Murray, the Board voted unanimously to:

1. Authorize the Fire Chief to enter into a Secured Fire Protection Agreement with Shea Baker Ranch Associates, LLC, for Entitlements in the Baker Ranch Development in the City of Lake Forest.
2. Direct the Clerk of the Authority to record the Secured Fire Protection Agreement in the Official Records of the County of Orange and furnish to Shea Baker Ranch Associates, LLC, a copy of the conformed document within fifteen (15) days of recordation.

**END OF CONSENT CALENDAR**

**DISCUSSION CALENDAR**

**10. Long Term Liability Study (F: 17.06A)**

Assistant Chief Lori Zeller introduced Treasurer Tricia Jakubiak who provided a PowerPoint presentation on the Long Term Liability Study.

Stephen Wontrobski, Mission Viejo resident, commented on his concerns regarding OCFA pensions, medical unfunded liability, and disability claims.

A lengthy discussion ensued.

On motion of Director Bressette and second by Director Murray, the Board voted to receive and file the report. Director Barnett abstained.

**11. Mid-Year Financial Report (F: 15.04)**

Assistant Chief Lori Zeller introduced Treasurer Tricia Jakubiak who provided a PowerPoint presentation on the Mid-Year Financial Report.

On motion of Director Bressette and second by Director Swift, the Board voted to:

1. Receive and file report.
2. Direct staff to transfer the \$5.24 million of available unencumbered funds identified in the 2011/12 annual financial audit to the Self Insurance Fund (Fund 190) to meet workers' compensation funding needs and include this transfer in the mid-year budget adjustment that will be submitted to the Board in March 2013.

Director Hatch abstained.

**REPORTS****12. Chief's Report (F: 11.14)**

Fire Chief Richter welcomed new Board members and indicated OCFA staff are available to provide assistance should they have any questions. He indicated issues of concerns raised in the OCPFA survey are being taken seriously and would be addressed. Fire Chief Richter announced Fire Station 26 raised \$12,000 for the Tom's River Fire Department by hosting a Pancake Breakfast fundraiser. Chief Richter encouraged Board members to attend the upcoming OCFA's Best and Bravest Ceremony being held on January 31, 2013.

**BOARD MEMBER COMMENTS (X: 11.13)**

Chair Kelley encouraged Board members to attend the upcoming Board Orientation on March 14, 2013.

**CLOSED SESSION (F: 11.15)**

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matters on the Agenda identified as CS1, CS2, and CS3.

Chair Kelley recessed the meeting to Closed Session at 9:55 p.m.

Directors Bates and Ta left at this point (9:55 p.m.)

- CS1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Authority: Exposure to Litigation pursuant to Government Code Section 54956.9(b)  
(2 cases)
- CS2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Authority: Government Code Section 54956.9(c) – Initiation of Litigation (1 case)
- CS3. CONFERENCE WITH LABOR NEGOTIATOR**  
Chief Negotiator: Zenovy Jakymiw, Director of Human Resources  
Employee Organizations: Orange County Professional Firefighters' Association,  
Local 3631, Orange County Fire Authority Chief  
Officers' Association, and Orange County Employees'  
Association  
Authority: Government Code Section 54957.6

Chair Kelley reconvened the meeting at 11:25 p.m., with Directors Hatch, Lalloway, and Shawver absent.

**CLOSED SESSION REPORT (F: 11.15)**

General Counsel David Kendig indicated the Board of Directors directed General Counsel to initiate litigation against the California Division of Occupational Safety and Health (OSHA).

**ADJOURNMENT**

Chair Kelley adjourned the meeting at 11:26 p.m. The next meeting of the Orange County Fire Authority Board of Directors is a special meeting scheduled for February 28, 2013, at 6:30 p.m.

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Sherry A.F. Wentz, CMC  
Clerk of the Authority

# MINUTES ORANGE COUNTY FIRE AUTHORITY

**Board of Directors Special Meeting  
Thursday, February 28, 2013  
6:30 P.M.**

**Regional Fire Operations and Training Center  
Board Room  
1 Fire Authority Road  
Irvine, CA 92602-0125**

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## **CALL TO ORDER**

A special meeting of the Orange County Fire Authority Board of Directors was called to order on February 28, 2013, at 7:20 p.m. by Chair Trish Kelley.

**INVOCATION** by OCFA Chaplain Bob George

**PLEDGE OF ALLEGIANCE** by Director Johnson

## **ROLL CALL**

<b>Present:</b> Joseph Aguirre, Placentia	Sam Allevato, San Juan Capistrano
Bob Baker, San Clemente	Rick Barnett, Villa Park
Randal Bressette, Laguna Hills	Carol Gamble, Rancho Santa Margarita
Gerard Goedhart, La Palma	Noel Hatch, Laguna Woods
Eugene Hernandez, Yorba Linda	Robert Johnson, Cypress
Trish Kelley, Mission Viejo	Warren Kusumoto, Los Alamitos
Jeffrey Lalloway, Irvine	Kathryn McCullough, Lake Forest
Al Murray, Tustin	David Sloan, Seal Beach
David Shawver, Stanton	Elizabeth Swift, Buena Park
Steven Weinberg, Dana Point	

<b>Absent:</b> Pat Bates, County of Orange	Jerry McCloskey, Laguna Niguel
Todd Spitzer, County of Orange	Tri Ta, Westminster
Sal Tinajero, Santa Ana	Phillip Tsunoda, Aliso Viejo

## **Also present were:**

Fire Chief Keith Richter	General Counsel Dave Kendig
Deputy Chief Ron Blaul	Assistant Chief Laura Blaul
Assistant Chief Craig Kinoshita	Assistant Chief Brian Stephens
Assistant Chief Lori Zeller	Clerk of the Authority Sherry Wentz
Assistant Clerk Lydia Slivkoff	

**PRESENTATIONS (F: 11.09)**

No items.

**PUBLIC COMMENTS (X: 11.11)**

Chair Kelley opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, commented on his support of the firefighters union and his concerns with disciplinary actions within the Fire Authority.

Chair Kelley closed the Public Comments portion of the meeting.

**REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR (F: 11.12)**

Chair Kelley indicated a report would be presented at the next regular meeting.

**MINUTES**

No items.

**CONSENT CALENDAR**

No items.

**CLOSED SESSION (F: 11.15)**

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matter on the Agenda identified as CS1.

Chair Kelley recessed the meeting to Closed Session at 7:25 p.m.

- CS1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Authority: Exposure to Litigation pursuant to Government Code Section 54956.9(b)  
(1 case)

Chair Kelley reconvened the meeting at 8:04 p.m.

**CLOSED SESSION REPORT (F: 11.15)**

General Counsel David Kendig indicated the Board took no reportable action during Closed Session.

## DISCUSSION CALENDAR

### 1. **Proposed Transition of California Accidental Release Plans and Hazardous Materials Disclosure Programs to the Orange County Health Care Agency (F: 18.11D)**

Fire Chief Keith Richter provided an overview of the proposed transition of California Accidental Release Plans (CalARP) and Hazardous Materials Disclosure (HMD) programs to the Orange County Health Care Agency. Deputy Chief Ron Blaul briefed the Board on the history of the Hazardous Material Program. Assistant Chief Laura Blaul provided a PowerPoint presentation on the transition of the CalARP and HMD Programs.

Stephen Wontrobski, Mission Viejo resident, provided public comments in opposition to the transition and requested it be deferred until the Orange County District Attorney's office concludes its on-going investigation regarding the inspection reports.

Senior Labor Representative Aaron Peardon, Orange County Employees Association, provided public comments in opposition to the transition, and requested it be deferred until the District Attorney completes its investigation.

Rod Washington, representing Norman Stone of Dean Foods, provided public comments in opposition to the transition, and his support of the OCFA maintaining its existing programs.

Richard Sanchez, Orange County Health Care Agency, provided public comments in support of transitioning both programs. He also provided a letter of support from Orange County Supervisors Bates and Spitzer who could not be in attendance at tonight's meeting, due to scheduling conflicts.

A lengthy discussion ensued.

On motion of Vice Chair Weinberg and second by Director Bressette, the Board voted to:

1. Approve the transition of the California Accidental Release Plans and Hazardous Materials Disclosure Programs from OCFA to the Orange County Health Care Agency, effective July 1, 2013.
2. Direct staff to pursue expenditure reductions that can be achieved to offset the revenue reduction associated with program transition, effective July 1, 2013, and to include these reductions in the proposed FY 2013/14 budget.

Director Baker opposed.



## **PUBLIC HEARING**

### **2. Fire Prevention Fee Study and Adoption of Associated Fee Changes (F: 15.05)**

Assistant Chief Lori Zeller introduced Finance Manager/Auditor Jim Ruane who provided a PowerPoint presentation on Fire Prevention Fee Study and adoption of associated fee revisions.

Chair Kelley opened the Public Hearing for comments. Chair Kelley closed the Public Hearing without any comments.

Director Lalloway left at this point (8:45 p.m.)

On motion of Director Bressette and second by Vice Chair Weinberg, the Board voted to:

1. Find that, in accordance with California Government Code Section 66014, the proposed fees do not exceed the cost of providing services and are only for the purpose of meeting operational expenses and are, therefore, exempt from compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21080.
2. Approve and adopt Resolution 2013-05 approving recommended increases in specified Fire Prevention fees effective May 1, 2013, and the HMD fee decreases retroactive to July 1, 2012.

#### **RESOLUTION NO. 2013-05**

#### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY FIRE AUTHORITY SUPERSEDING RESOLUTION NOS. 2007-17, 2008-26, 2009-10, 2011-04, AND 2012-09, AND APPROVING CHANGES IN FIRE PREVENTION FEES**

3. Direct staff to include a revenue adjustment in the March 2013 mid-year budget adjustments for FY 2012/13 to reflect the revenue changes associated with the actions above, and discussed herein.

Directors Barnett and Gamble opposed.

## **REPORT**

### **3. Chief's Report (F: 11.14)**

Chief Richter reported the OCFA's bid for John Wayne Airport services will be submitted to the County, and the contract would be awarded in July 2013. He announced that there have been several promotions in our ranks, due to the retirement of staff. He thanked, soon to be retiring, Deputy Chief Ron Blaul for his assistance over the last 3 years.

## **BOARD MEMBER COMMENTS (F: 11.13)**

Chair Kelley commended Deputy Chief Blaul for his services. She also congratulated Assistant Chief Craig Kinoshita and other staff members on their promotions. Chair Kelley also reminded Board members to attend the Board Special Meeting and Board Orientation scheduled for Thursday, March 14, 2013, at 5:00 p.m.

## **ADJOURNMENT**

Chair Kelley adjourned the meeting at 9:22 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for March 28, 2013, at 6:30 p.m.

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Sherry A.F. Wentz, CMC  
Clerk of the Authority

**CONSENT CALENDAR - AGENDA ITEM NO. 3**  
**BOARD OF DIRECTORS MEETING**  
**March 28, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Lori Zeller, Assistant Chief  
Business Services Department

SUBJECT: **FY 2012/13 Mid-year Budget Adjustments**

Summary:

This item is submitted to request approval to adjust revenue, expenditures, and fund balance to reflect changes identified after adoption of the 2012/13 budget. Beginning fund balances have been revised based on the FY 2011/12 audited financial statements.

Committee Action:

At its March 13, 2013, meeting, the Budget and Finance Committee reviewed and unanimously recommended approval of this item.

Recommended Actions:

1. Authorize the proposed mid-year budget adjustments.
2. Approve the proposed Schedule of Fund Balance.

Background:

A comprehensive mid-year financial review was presented to the Budget and Finance Committee and the Board of Directors in January highlighting proposed mid-year changes that are needed to the FY 2012/13 budget based on events that have occurred since the budget was adopted last May. This staff report is being submitted to request approval of the technical budget adjustments following the mid-year review. The following is a summary of the significant changes being requested (See Attachment 1 for the total proposed adjustment for each Fund):

***FY 2012/13 General Fund Revenue and Expenditure Adjustments***

- **Overall:** Overall the proposed General Fund changes result in a total revenue increase of \$16.5 million and a total expenditure increase of \$5.8 million.
- **Property Tax Revenue:** Based on the County tax ledger, secured property tax revenue increased by 1.75% over last year's billing and, after adjusting for estimated refunds, the projected increase is \$1,700,000 over budget.
- **Assistance-by-Hire (ABH):** OCFA is reimbursed for expenses incurred when our personnel are deployed to assist with out-of-county emergencies. Current year ABH reimbursements are \$2.3 million greater than budget due to various out-of-county responses. In addition, increased overtime/backfill expenditures related to these emergency responses are estimated at \$2.0 million.

- **Review of Low-to-Moderate Income Housing and Non-Housing Funds:** Due to a review of redevelopment agency low-to-moderate income housing funds and non-housing funds by the State Department of Finance, OCFA will receive approximately \$10.6 million in one-time revenue.
- **Orange County Professional Firefighters Association Medical Benefit Trust Audit:** The annual audit of this fund has been completed with an amount due to OCFA of \$1.8 million. This is a \$1.3 million increase over the \$500,000 currently in the budget.
- **Workers' Compensation:** To assist in bringing the workers' compensation budget up to the 60% confidence level required by Board policy, and as shown in the latest actuarial report, \$2.5 million will be added to the workers' compensation budget in the General Fund.
- **City of Stanton Staffing Reconfiguration:** The staffing reconfiguration at Station 46 resulted in a revenue reduction of \$572,000 and a decrease in expenditures of \$1.1 million.
- **Extension of Handcrew Funding:** With the extension of funding for the handcrew through June 30, 2014, the impact on the 2012/13 budget is an \$833,000 increase in expenditures and an \$83,000 increase in revenue using a 10% rate of cost recovery.
- **John Wayne Airport Staffing Reconfiguration:** The staffing reconfiguration at Station 33 resulted in a revenue reduction of \$356,000 and a decrease in expenditures of \$245,000.
- **Fee Programs:** The estimated revenue impact related to the 2012 fee study is as follows: HMS/CalARP revenue reduction of \$1.2 million including an estimated \$350,000 in refunds for 2011/12; inspection services revenue reduction of \$199,000; and a \$297,000 revenue reduction for Planning & Development. An increase of \$248,000 is estimated for false alarm fees.
- **Community Redevelopment Agency (CRA) Pass-Throughs:** With the dissolution of the redevelopment programs, any funds available, after accounting for enforceable obligations, are passed on to the taxing entities of which OCFA is one. This residual funding was not included in the FY 2012/13 adopted budget and is currently estimated at \$1.3 million.
- **City of Santa Ana Reimbursements:** According to the Santa Ana service contract, the city is obligated to reimburse OCFA for salary and benefits related to the use of transferred sick and vacation balances, as well as costs related to certain workers' compensation cases, over and above the annual service charge. The current estimate is an increase in reimbursement revenue of \$809,000 and an increase of \$458,000 in backfill costs for personnel out on workers' compensation leave.
- **Capital vs. General Fund Change:** About \$695,000 in expenditures for Capital Improvement Program projects are being transferred to the General Fund, since they no longer meet the criteria for capital projects.

- **Other:** About \$735,000 in expenditures is being added for the following: increased utility costs (+\$350,000), replacement of ballistic protective vests (+\$230,000), uniform replacement (+\$100,000), and internal control/payroll audits (+\$55,000).
- **Beginning Fund Balance - \$4.3 million increase:** General Fund beginning fund balance will increase \$4.3 million based on the FY 2011/12 year-end audit. This increase resulted primarily from salary savings, due to vacancies, as well as services and supplies (S&S) savings.
- **Operating Transfers for Workers' Compensation:** Operating transfers out totaling \$15.2 million are being proposed to help bring the workers' compensation fund balance in the Self Insurance Fund to Board policy, which requires a 50% confidence level for existing/past claims. Of the \$15.2 million, \$5.2 million is from the available unencumbered fund balance identified in the FY 2011/12 audit, which was approved by the Board in January, and \$10 million is from the cash flow fund balance in the General Fund.
- **Operating Transfer for Fee Funded Capital Needs:** An operating transfer out of \$381,000 is being made to the Vehicle Replacement Fund and Communications & Information Systems Replacement Fund that are related to the fire prevention fee programs for this fiscal year and prior fiscal years.

***FY 2012/13 Adjustments to Capital Improvement/Other Funds***

- Facilities Maintenance & Improvements (Fund 122) – Cost containment in this fund continues by only completing projects deemed vital for operational readiness. A net revenue increase of \$130,000 is due primarily to adjustments for final facilities maintenance charges for cash contracts. A net expenditure reduction of \$445,000 is mainly, due to reduced costs, and a project deletion, related to construction of vehicle storage buildings. As a result of the FY 2011/12 annual audit, beginning fund balance will increase by \$87,000.
- Facilities Replacement (Fund 123) – Revenues show a net increase of \$64,000, due to a reduction in interest earnings and an adjustment to funding from CAL FIRE and increases in developer contributions and bankruptcy proceeds. An expenditure increase of \$69,000 includes final costs related to Fire Station 17 and estimated escrow costs for the second half of the hangar purchase for Fire Station 41. As a result of the FY 2011/12 annual audit, the beginning fund balance will increase by \$1.0 million.
- Communications & Information Systems Replacement (Fund 124) – An expenditure reduction of \$1.8 million is due primarily to GIS projects being transferred to the General Fund, since they no longer meet the criteria for capital projects, deletion of the county-wide GIS project, and the rebudget of the 911 telephone system replacement to FY 2013/14. The net \$726,000 revenue reduction is due primarily to the receipt of bankruptcy proceeds and the rebudget of reimbursement revenue for the 911 telephone system replacement project. As a result of the FY 2011/12 annual audit, beginning fund balance will increase by \$2.7 million.

- Vehicle Replacement (Fund 133) – There is a net revenue reduction of \$56,000 due to vehicle changes in Stanton and Westminster, receipt of bankruptcy proceeds and reduced interest revenue. The expenditure reduction of \$155,000 is due to the rebudgets of vehicles to 2013/14. As a result of the FY 2011/12 annual audit, beginning fund balance will increase by \$1.4 million.
- Structural Fire Fund Entitlement Fund (Fund 171) –As a result of the FY 2011/12 annual audit, beginning fund balance will increase by \$543,000.
- Self Insurance Fund (Fund 190) – There is a net revenue increase of \$2.4 million due to the increase in funding from the General Fund as noted above, decreased interest earnings, the extension of handcrew funding and changes to the contracts for Stanton and John Wayne Airport. An expenditure increase of \$967,000 is the result of the updated actuarial estimate for this fiscal year. As a result of the FY 2011/12 annual audit, beginning fund balance will increase by \$1.6 million.

***Schedule of Fund Balance***

The Schedule of Fund Balance (Attachment 3) updates the amounts and classifications of fund balance to include all mid-year adjustments.

Impact to Cities/County:

None.

Fiscal Impact:

Not Applicable

Staff Contacts for Further Information:

Stephan Hamilton, Budget Manager  
[stephanhamilton@ocfa.org](mailto:stephanhamilton@ocfa.org)  
(714) 573-6302

Tricia Jakubiak, Treasurer  
[triciajakubiak@ocfa.org](mailto:triciajakubiak@ocfa.org)  
(714) 573-6301

Attachments:

1. FY 2012/13 Mid- year Budget Adjustments
2. Combined Budget Summary
3. Schedule of Fund Balance

## **FY 2012/13 Mid-Year Budget Adjustments**

The following adjustments to the 2012/13 budget are requested:

### ***General Fund (Fund 121)***

Revenue - \$16,490,185 increase  
Beginning Fund Balance - \$4,257,209 increase  
Appropriations - \$5,801,695 increase  
Operating Transfer Out - \$15,626,016 increase

### ***Facilities Maintenance and Improvement Fund (Fund 122)***

Revenue - \$130,429 increase  
Beginning Fund Balance - \$87,057 increase  
Appropriations - \$445,000 decrease

### ***Facilities Replacement (Fund 123)***

Revenue - \$64,269 increase  
Beginning Fund Balance - \$1,020,939 increase  
Appropriations - \$68,863 increase

### ***Communications and Information Systems Replacement Fund (Fund 124)***

Revenue - \$726,441 decrease  
Operating Transfer In - \$343,435 increase  
Beginning Fund Balance - \$2,679,452 increase  
Appropriations - \$1,800,000 decrease

### ***Vehicle Replacement Fund (Fund 133)***

Revenue - \$55,877 decrease  
Operating Transfer In - \$37,787 increase  
Beginning Fund Balance - \$1,383,004 increase  
Appropriations - \$154,818 decrease

### ***Structural Fire Fund Entitlement Fund (Fund 171)***

Beginning Fund Balance - \$543,096 increase  
Appropriations - \$175 decrease

### ***Self-Insurance Fund (Fund 190)***

Revenue - \$2,448,269 increase  
Operating Transfer In - \$15,244,794 increase  
Beginning Fund Balance - \$1,551,698 increase  
Appropriations - \$967,101 increase

**ORANGE COUNTY FIRE AUTHORITY  
COMBINED BUDGET SUMMARY  
2012/13**

	121 General Fund	<u>CIP Funds</u>				<u>Other Funds</u>		Total
		122 Facilities Maint & Improvement	123 Facilities Replacement	124 Communications & Info Systems Repl	133 Vehicle Replacement	171 SFF Entitlement	190 Self Insurance	
<b>FUNDING SOURCES</b>								
<i>Property Taxes</i>	\$181,751,309							\$181,751,309
<i>Intergovernmental</i>								
State Reimbursements	6,050,975	-	-	-				6,050,975
Federal Reimbursements	4,585,238	-	-	-	960,000			5,545,238
Community Redevelopment Pass-thru	15,905,678							15,905,678
<i>Charges for Current Services</i>								
Contracts	82,751,043	278,656		-	1,332,748			84,362,447
HMS Revenue	243,466							243,466
Fees - Fire Prevention	5,099,552							5,099,552
Other Charges for Services	166,584							166,584
ALS Reimbursements, Supplies	4,570,574							4,570,574
<i>Use of Money and Property</i>								
Interest	188,658	9,257	38,641	65,103	91,529	4,197	128,552	525,937
<i>Other</i>								
Developer contributions	-	-	40,560	-	-			40,560
Miscellaneous	4,623,391	-	87,586	148,011	90,839			4,949,827
Charges for Workers' Comp							9,892,711	9,892,711
Other Funding Sources							-	-
Total Revenues & Other Financing Sources	305,936,468	287,913	166,787	213,114	2,475,116	4,197	10,021,263	319,104,858
Operating Transfer In	-	-	-	343,435	37,787	-	15,244,794	15,626,016
Beginning Fund Balance	48,574,096	3,250,953	16,125,692	22,033,190	31,995,189	1,372,789	34,146,268	157,498,177
<b>TOTAL AVAILABLE RESOURCES</b>	<b>\$354,510,564</b>	<b>\$3,538,866</b>	<b>\$16,292,479</b>	<b>\$22,589,739</b>	<b>\$34,508,092</b>	<b>\$1,376,986</b>	<b>\$59,412,325</b>	<b>\$492,229,051</b>
<b>EXPENDITURES</b>								
Salaries & Emp Benefits	\$266,198,050		-			-		\$266,198,050
Services & Supplies	24,514,308	1,221,449	63,863	3,529,819	86,958	1,307,048	9,569,235	40,292,680
Capital Outlay	80,000	25,000	2,206,900	9,994,646	6,946,768	-		19,253,314
Debt Service	-	-	-	-	2,531,723			2,531,723
Board Mandated Reduction	-							-
Total Expenditures	290,792,358	1,246,449	2,270,763	13,524,465	9,565,449	1,307,048	9,569,235	328,275,767
Appropriation for Contingencies	3,000,000							3,000,000
Operating Transfer Out	15,626,016	-	-	-	-	-	-	15,626,016
Ending Fund Balance	45,092,190	2,292,417	14,021,716	9,065,274	24,942,643	69,938	49,843,090	145,327,268
<b>TOTAL FUND COMMITMENTS &amp; FUND BALANCE</b>	<b>\$354,510,564</b>	<b>\$3,538,866</b>	<b>\$16,292,479</b>	<b>\$22,589,739</b>	<b>\$34,508,092</b>	<b>\$1,376,986</b>	<b>\$59,412,325</b>	<b>\$492,229,051</b>



**ORANGE COUNTY FIRE AUTHORITY**  
**Schedule of Fund Balance**  
**2012/13**

	<b>General Operating Fund 121</b>	<b>Facilities Maint &amp; Improv Fund 122</b>	<b>Facilities Replacement Fund 123</b>	<b>Comm &amp; Info Sys Repl Fund 124</b>	<b>Vehicle Replacement Fund 133</b>	<b>SFF Entitlement Fund 171</b>	<b>Self Insurance Fund 190</b>	<b>Total</b>
Projected Fund Balance 6/30/13	\$45,092,190	\$2,292,417	\$14,021,716	\$9,065,274	\$24,942,643	\$69,938	\$49,843,090	\$145,327,268
• Stn 56 Dev. Contribution			1,193,950					1,193,950
• Stn 18 CDF Contribution			533,232					533,232
• SFF - Irvine						59,503		59,503
• SFF - Laguna Niguel						17		17
• SFF - Villa Park						85		85
• SFF Fund GASB 31 Interest (b)						10,333		10,333
• Capital Improvement Programs		2,292,417	12,294,534	9,065,274	24,056,568			47,708,793
• Fire Prevention Fee Funded Capital Needs					886,075			886,075
• Workers Comp							49,843,090	49,843,090
• General Fund Operating (a)	25,530,226							25,530,226
• Cash Flow Needs	18,626,094							18,626,094
• Fire Prevention (HMD)	935,870							935,870
<b>Total</b>	<b>\$45,092,190</b>	<b>\$2,292,417</b>	<b>\$14,021,716</b>	<b>\$9,065,274</b>	<b>\$24,942,643</b>	<b>\$69,938</b>	<b>\$49,843,090</b>	<b>\$145,327,268</b>

(a) Reflects \$3 million reduction for Appropriation for Contingencies

(b) GASB 31 interest is a paper transaction only that is not available for use

**CONSENT CALENDAR - AGENDA ITEM NO. 4**  
**BOARD OF DIRECTORS MEETING**  
**March 28, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Sherry Wentz, Clerk of the Authority

SUBJECT: **Ratify Appointments to Executive Committee**

Summary:

This agenda item is submitted to ratify the Executive Committee appointments.

Recommended Action:

Ratify the 2013 appointments to the Executive Committee.

Background

The Executive Committee, as defined by Rule 9(b) of the Board of Directors Rules of Procedure, consists of no more than nine (9) members of the Board of Directors. The Executive Committee membership is comprised of the following designated positions: the Chair and Vice Chair of the Board of Directors, the immediate past Chair of the Board, and the Chair of the Budget and Finance Committee. In addition, up to five At-Large members, who must include at least one member of the County Board of Supervisors, may serve as members of the Committee. In the selection of at-large members, appointments shall be made in such a manner as to achieve approximately the ratio of cash contract cities to total member agencies of the Authority.

The Chair of the Board may make at-large appointments to the Executive Committee to fill any vacancies, subject to approval by the Board of Directors. There are currently three at-large vacancies on the Executive Committee, due to the recent reorganization of the Board. Chair Kelley has selected Elizabeth Swift (Buena Park), Jeffrey Lalloway (Irvine), and Randal Bressette (Laguna Hills), to fill these At-Large vacancies on the Executive Committee.

Therefore, pursuant to Rule 9 of the OCFA Board of Directors Rules of Procedures, and subject to the confirming vote by the Board of Directors, the membership of the Executive Committee will be as follows:

Trish Kelley, Chair – Mission Viejo  
Steven Weinberg, Vice Chair – Dana Point  
Todd Spitzer, Interim Immediate Past Chair  
Al Murray, Budget and Finance Committee Chair – Tustin\*  
Patricia Bates, County Board of Supervisors  
Elizabeth Swift, At-Large Member – Buena Park\*  
Randal Bressette, At-Large Member – Laguna Hills  
Jeffrey Lalloway, At-Large Member – Irvine  
David John Shawver, At-Large Member – Stanton\*

Structural Fire Fund Alternates: Gerard Goedhart – La Palma  
Eugene Hernandez – Yorba Linda  
Sam Allevato – San Juan Capistrano

Cash Contract Alternates: Tri Ta – Westminster\*  
Vacancy  
Vacancy

\* = Cash Contract City

Impact on Cities/County  
Not Applicable.

Fiscal Impact  
Not Applicable.

Staff Contact for Further Information  
Sherry A.F. Wentz, Clerk of the Authority  
[sherrywentz@ocfa.org](mailto:sherrywentz@ocfa.org)  
(714) 573-6041

Attachments:  
None.

**CONSENT CALENDAR - AGENDA ITEM NO. 5**  
**BOARD OF DIRECTORS MEETING**  
**March 28, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Brian Stephens, Assistant Chief  
Support Services Department

SUBJECT: **Secured Fire Protection Agreement with Heritage Fields El Toro, LLC, for Entitlements in the Great Park Neighborhoods Development in the City of Irvine**

Summary:

This item is submitted to authorize the Fire Chief to enter into a Secured Fire Protection Agreement (SFPA) with Heritage Fields El Toro, LLC, for Entitlements in the Great Park Neighborhoods Development in the City of Irvine. This agreement defines the “fair share” contribution needed to adequately serve the intended development and current communities adjacent to this area. The funds from this SFPA insure that the necessary resources will be available for OCFA to provide infrastructure and capital improvements to support the regional service delivery system.

Recommended Action:

Approve and authorize the Fire Chief to enter into a Secured Fire Protection Agreement with Heritage Fields El Toro, LLC, for Entitlements in the Great Park Neighborhoods Development in the City of Irvine.

Background:

Heritage Fields El Toro, LLC, will be the master developer for several projects collectively known as the “Great Park Neighborhoods,” which includes up to 15,000 equivalent dwelling units in the City of Irvine. Under the fair share approach to fire protection discussed in the Great Park Environmental Impact Report, a Secured Fire Protection Agreement is required. Payments will be made as each project area within the development receives its first building permit and after the agreement is signed and recorded.

The proposed agreement will provide OCFA and Heritage Fields El Toro, LLC, the ability to make long-range plans and decisions with respect to both infrastructure and operational costs associated with this development. The agreement also provides OCFA with the necessary assurances needed to complete enhancements to the emergency fire services delivery system, including the planned Urban Search and Rescue (USAR) facility.

Impact to Cities/County:

This agreement has no negative impacts to any of our member agencies.

Fiscal Impact:

Fiscal revenues will be in phases. The agreement is written to cover up to 15,000 equivalent dwelling units (EDU's). The first phase of development anticipates \$3,560,400 in revenues. If all EDU's are approved and built, the cap on this agreement is \$9,000,000 over two additional phases plus the value of one acre of land (\$1,375,000).

Staff Contact for Further Information:

Michele Hernandez, Management Analyst, Strategic Services

[michelehernandez@ocfa.org](mailto:michelehernandez@ocfa.org)

(714) 573-6199

Attachment:

Secured Fire Protection Agreement

## SECURED FIRE PROTECTION AGREEMENT

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by and between the

ORANGE COUNTY FIRE AUTHORITY,  
A CALIFORNIA JOINT POWERS AUTHORITY

and

HERITAGE FIELDS EL TORO, LLC

Effective Date: \_\_\_\_\_, 2013

Project Name: *Great Park Neighborhoods*

**ORANGE COUNTY FIRE AUTHORITY**  
**SECURED FIRE PROTECTION AGREEMENT**  
**WITH**  
**HERITAGE FIELDS EL TORO, LLC**

This Secured Fire Protection Agreement ("**Agreement**") is made between the Orange County Fire Authority, a California Joint Powers Authority ("**OCFA**") and Heritage Fields El Toro, LLC, a Delaware limited liability company ("**Company**"), and is effective as of \_\_\_\_\_, 2013 ("**Effective Date**").

**RECITALS**

A. OCFA is a governmental entity, organized as a California Joint Powers Authority, providing fire protection and life safety services to over one million residents within the County of Orange ("**County**").

B. This Agreement covers all of the real property owned by Company located within the City of Irvine ("**City**") as of the Effective Date, which is referred to herein as the "**Project Area**," and is described and depicted in Exhibit A and Exhibit A-1 attached hereto.

C. The Project Area is, for purposes of this Agreement, divided into two areas: Area 1 and Area 2. Each Area is further divided into "**Development Districts**." "**Area 1**" consists of Development Districts 1, 4, 7 and 8; "**Area 2**" consists of Development Districts 2, 3, 5, 6 and 9.

D. Company's development of the Project Area is subject to the development requirements and conditions imposed by the City (collectively, the "**City Conditions**") related to the provision for emergency response, fire protection services, equipment and facilities (collectively, the "**Services**"). The City Conditions include requirements for Company to enter into an agreement with OCFA to ensure that Company will provide for and contribute its *pro rata* fair share costs of emergency response for the benefit of residents residing, and occupants occupying commercial space, within the Project Area. OCFA acknowledges that the Project Area may ultimately contain up to Fifteen Thousand (15,000) total Equivalent Dwelling Units.

E. Company and OCFA desire to enter into this Agreement to ensure the Fire Service Capacity (as defined below) to Company for the Project Area in order to satisfy the City Conditions, as imposed now and in the future. OCFA and Company believe that this Agreement contains adequate safeguards to ensure OCFA's ability to enforce the obligations of this Agreement and protect the public interest.

## AGREEMENT

Based upon the foregoing Recitals and in consideration of the covenants and conditions contained in this Agreement, the parties agree to timely perform each of their respective obligations as set forth herein.

### SECTION 1. DEFINITIONS

Unless the context otherwise requires, wherever in this Agreement the following terms are used, the intent and meaning shall be interpreted as provided herein.

**"Affordable Units"** are residential dwelling units which are designated as affordable by the City.

**"Agreement"** means this Secured Fire Protection Agreement, including the attached Exhibits A through D, between OCFA and Company.

**"Area 1"** is described in Recital B.

**"Area 2"** is described in Recital B.

**"Authority"** or **"OCFA"** means the Orange County Fire Authority, a governmental entity and California joint powers authority.

**"City"** means the City of Irvine, California.

**"City Conditions"** means the development requirements and conditions related to the provision of Services, imposed by the City as conditions of approval on development projects proposed or undertaken in the Project Area.

**"City Waived Units"** means those Affordable Units for which the City has requested the OCFA to waive the Fee, as further described in Exhibit D.

**"Commercial Development"** means a non-residential, habitable structure (including, without limitation, commercial, industrial, R&D, office, medical office and/or retail structures).

**"Company"** means Heritage Fields El Toro, LLC.

**"County"** means the County of Orange, a governmental entity organized under the laws of the state of California and member of the Authority.

**"Development District"** means the division of the Project Area into separate development areas, as described in Recital B and depicted in Exhibits B and C attached hereto.

**"Effective Date"** means the date set forth in the first paragraph of this Agreement.



**"Equivalent Dwelling Unit" or "EDU"** means either: (a) one residential dwelling unit; or (b) Commercial Development converted into Total Equivalent Dwelling Units per (2) below. Total Equivalent Dwelling Units is the sum of: (1) all residential dwelling units, plus (2) Commercial Development square feet multiplied by .9 and divided by 1000.

**"Fee"** means the amount of the cash contribution for the funding in whole or in part Services within the Project Area, which is fixed in accordance with Section 2C. below.

**"Fire Service Capacity"** means no more than Fifteen Thousand (15,000) total Equivalent Dwelling Units. Any increase in the Fire Service Capacity to more than 15,000 total Equivalent Dwelling Units shall require an amendment of this Agreement.

**"In Lieu Payment"** shall mean the amount of One Million Three Hundred Seventy-Five Thousand Dollars (\$1,375,000).

**"OCFA"** means the Orange County Fire Authority, a governmental entity and California Joint Powers Authority.

**"Parties"** means OCFA and Company.

**"Project Area"** means the real property described in Exhibit A and depicted in Exhibit A-1. The Company may acquire additional real property adjacent to other portions of the Project Area ("After Acquired Property"). If the Company acquires any After Acquired Property, it shall be deemed to be part of the Project Area for all purposes under this Agreement. In such an event, Company shall provide OCFA with substitute descriptions and depictions of Exhibits A and A-1 to account for the After Acquired Property. If the Company conveys any portion of the Project Area to the City, that portion so conveyed shall no longer be deemed to be part of the Project Area for purposes of this Agreement.

**"Sale Parcel"** is defined in Section 5A.

**"Security Instruments"** means surety bonds, letters of credit or any other form of security or method, acceptable to OCFA, of assuring the payment of the Fees.

**"Services"** are defined in Recital D above.

**"Sub-districts"** means the division of Development Districts into smaller sub-development areas, as depicted in Exhibit B attached hereto with respect to Area 1, and as may be determined in the future with respect to Area 2, as set forth in Exhibit D.

**"Subsequent Buyer"** is defined in Section 5A.

## **SECTION 2. COMPANY OBLIGATIONS**

Company is in the process of developing infrastructure and other improvements in the Project Area to facilitate further development thereon that will result in impacts that will require Services by OCFA. In recognition and consideration of these impacts, OCFA and Company mutually agree on the Recitals above and as follows:

### **A. Acknowledgment of Obligations and Satisfaction of OCFA Requirements**

Company acknowledges that pursuant to the City Conditions, Company is required to enter into a secured fire protection agreement to mitigate the fire service impacts of its development of the Project Area.

OCFA acknowledges that Company's performance of the obligations set forth in this Agreement constitutes satisfaction of the City Conditions for development of the Project Area. If requested by Company or City, OCFA will confirm in writing that, by entering into this Agreement with OCFA, Company has satisfied the City Conditions. The required mitigation measures do not include standard processing fees for plan checking, permits and similar services or requirements of OCFA.

Accordingly, OCFA and Company mutually agree to the terms and conditions of this Agreement.

### **B. Pro-Rata Share**

1. **Area 1.** Company shall pay, or cause to be paid, to OCFA cash contributions for Area 1 in an amount equal to multiplying the Fee by the number of total Equivalent Dwelling Units constructed in Area 1 at such times and in such increments as specified in Exhibit D. For Area 1, Exhibit D also contains a table showing the estimate of Fees payable for each Sub-district at first non-model home building permit.

2. **Area 2.** Company shall pay, or cause to be paid, to OCFA cash contributions for Area 2 in an amount equal to multiplying the Fee by the number of total Equivalent Dwelling Units constructed in Area 1 at such times and in such increments as specified in Exhibit D.

**C. Fixed Fee.** The parties agree that the applicable Fee per Equivalent Dwelling Unit on the Effective Date is \$600. In consideration for the covenants contained in this Agreement, including without limitation, payment of the In Lieu Payment, the Parties agree that the Fee per Equivalent Dwelling Unit for the Fire Service Capacity shall not be subject to change even if the fee applicable to other developments is adjusted by the OCFA Board of Directors. The parties further agree that the Company's total funding obligation for all Fees pursuant to this Agreement is the amount determined by multiplying the total Equivalent Dwelling Units actually developed in the Project Area by the fee per Equivalent Dwelling Unit. (For example,

if a total of 15,000 EDUs are constructed, then the total funding obligation for all Fees will be \$9,000,000, plus the In Lieu Payment and less any Fees waived with respect to City Waived Units.) This amount will vary, however, if fewer EDUs are constructed. If greater EDUs are constructed, an addendum to this Agreement will be required.

**D. Documentation of EDUs.** Finally, upon the project completion in an Area (i.e., when building permits have been issued for all the residential dwelling units and Commercial Development to be built within that Area of the Project Area), if the total EDUs actually constructed (based upon the total residential dwelling units and the Commercial Development square footage shown on the building permits issued) are different from that shown on the fee payment table attached to Exhibit D, then the parties shall adjust the Fee payment calculation based upon the EDUs represented by the number of residential dwelling units built and the square footage for Commercial Development shown on the building permits issued. If the adjustment results in the Company owing an additional amount for the Fees payable for an Area, the Company shall pay, or cause to be paid, the unpaid adjusted Fee payment to OCFA within thirty (30) days after that determination. If the adjustment results in the Company having overpaid the Fees for a particular Area, OCFA shall pay the Company the overpaid Fee amount within thirty (30) days after that determination.

**E. Prepayments.** Nothing in this Agreement shall be construed to prohibit Company from paying all, or a portion, of the amount(s) set forth in Exhibit D, in advance of the dates due. Such prepayment will be made, if at all, on a Sub-district by Sub-district basis. At the time of each such prepayment, Company shall identify in writing which Sub-district is being prepaid, and which Security (if any) should be reduced by the amount of the prepayment.

**F. OCFA Acknowledgment.** OCFA acknowledges that Company's payments and posting of Security Instruments and other obligations set forth in this Agreement constitute full satisfaction of all obligations of Company to mitigate impacts that will require Services as required by the City Conditions, so long as the Project Area is developed in a manner that does not exceed the Fire Service Capacity.

### **SECTION 3. SECURITIES**

#### **A. Security to Guarantee Payment**

Within the timeframes set forth on Exhibit D, Company shall furnish OCFA with either a Faithful Performance Bond or a Letter of Credit or any other Security Instrument acceptable to the Fire Chief and OCFA Counsel, in the amounts set forth on Exhibit D. The Security Instrument(s) shall be furnished subject to the following requirements:

1. Form of Security Instruments. All Security Instruments shall meet the following minimum requirements and otherwise shall be in a form acceptable to OCFA:
  - a. If Company elects to deliver a Faithful Performance Bond, any insurance company acting as surety shall have a minimum rating of A, as rated by the current edition of Best's Key Rating Guide published by A.M. Best's Company, Oldwick, New Jersey 08858; if Company elects to deliver a Letter of Credit, any bank issuing a Letter of Credit shall have a minimum rating of AA, as rated by Moody's or Standard & Poor's; each entity acting as a surety shall be licensed to do business in California.
  - b. Payments under the Security Instruments shall be required to be made in the County of Orange, State of California.
  - c. The Security Instruments shall reference Company's obligations under this Agreement and shall be irrevocable.
2. Release of Security Instruments. OCFA shall release or partially release the Security Instruments, *pro rata*, upon Company's written request following the occurrence of each of the following: (A) a partial release, as and when OCFA receives a pro rata payment of Fees due pursuant to Exhibit D and upon City request for any City Waived Units; and (B) a complete release, after acceptance of Company's final payment obligation pursuant to Exhibit D. However, if the total EDUs planned for the Project Area is increased above 15,000, then the amount of the Security Instruments to be retained by OCFA shall be that amount which secures the then-remaining Fee payment obligation, after application of any credits applicable under this Agreement.

#### **SECTION 4. DEFAULT AND ATTORNEYS' FEES**

##### **A. Remedies Not Exclusive**

In any case where this Agreement provides a specific remedy to one Party for breach or default by the other Party hereunder, such remedy shall be in addition to, and not exclusive of, the non-breaching/non-defaulting Party's right to pursue any other administrative, legal or equitable remedy to which it may be entitled.

##### **B. Attorneys' Fees and Costs**

In the event of any litigation arising out of this Agreement or under any of the Security Instruments provided in accordance with the terms of this Agreement, the prevailing Party in such action, in addition to any other relief, which may be granted,

shall be entitled to recover its reasonable attorneys' fees and costs. Such attorneys' fees and costs shall include fees and costs on any appeal, and all other reasonable costs incurred in investigating such action, taking depositions and discovery, retaining expert witnesses, and all other necessary and related costs with respect to such litigation or arbitration. All such fees and costs shall be deemed to have accrued on commencement of the action and shall be enforceable whether or not the action is prosecuted to judgment. Reasonable attorney fees shall be calculated at the actual hourly rate of the attorney(s) handling the litigation (and appeal, if any) for the prevailing Party, or \$200 per hour, whichever is less.

## **SECTION 5. GENERAL PROVISIONS**

### **A. Successors and Assigns**

Company shall have the right, without the consent of OCFA, to assign Company's rights and obligations under this Agreement to any party ("**Subsequent Buyer**") that acquires fee title in and to the Project Area or any portion thereof. Each Subsequent Buyer shall furnish to OCFA a replacement Faithful Performance Bond or Letter of Credit or other Security Instrument meeting the requirements of Section 3.A.1 and an executed written agreement wherein the Subsequent Buyer takes an assignment of and assumes the rights and obligations of Company accruing from and after the date of the assignment with respect to the portion of the Project Area so acquired by such party. A complete and fully executed copy of the assignment and assumption agreement shall be provided to OCFA concurrently with the replacement Security Instrument. The Security Instrument provided by Company, or by a then-prior assignee, and applicable to the same portion of the Project Area transferred to the Subsequent Buyer shall be partially released in an amount equal to the replacement Security Instrument, provided, however, that if the total EDUs planned for the Project Area is increased above 15,000, then the amount of the Security Instruments to be retained by OCFA shall be that amount which secures the then-remaining Fee payment obligation, after application of any credits applicable under this Agreement. In addition, any purchaser acquiring fee title to any portion of the Project Area that is intended to be developed with a residential dwelling unit or Commercial Development, which is required to pay a Cash payment hereunder (a "**Sale Parcel**"), shall take title to such Sale Parcel subject to the terms and conditions of this Agreement. Company or Subsequent Buyer shall be responsible to pay, or cause to be paid, the Cash payment required hereunder for each Sale Parcel as and when due under this Agreement. Company shall not be released from its obligations under this Agreement without the consent of the Fire Chief.

This Agreement shall be binding upon the successors and assigns of OCFA and the successors and assigns of Company as provided above.

### **B. Density and Intensity of Development**

The provisions of this Agreement shall be deemed to be in full and complete compliance with all City Conditions so long as the density and intensity of development within the Project Area does not increase above the Fire Service Capacity. This Agreement shall, therefore, provide Services to the Company for

15,000 total Equivalent Dwelling Units in the Project Area. In the event the density or intensity of development is proposed to be increased beyond or above the Fire Service Capacity, an addendum to this Agreement shall be required.

**C. Waiver of Rights and Claims**

Company agrees and acknowledges that there is an essential nexus between its *pro rata* share and a legitimate governmental interest and that its *pro rata* share is roughly proportional to and reasonably and rationally related to the impacts that will be caused by development of the Project Area.

In consideration of the mutual promises and covenants set forth in this Agreement, Company, its successors and assigns, hereby waive and release any present or future rights or claims Company, or its successors or assigns may have or possess, under Government Code Sections 66000 *et seq.* (as amended) with respect to OCFA's establishment, receipt and use of the Cash payments and In Lieu Payment required to be paid to OCFA under this Agreement provided OCFA, or its successors in interest, continues to provide Services to the Project Area as contemplated by this Agreement.

**D. Entire Agreement; Waivers and Amendments**

The Recitals of this Agreement are incorporated into this Agreement. This Agreement integrates all the terms and conditions mentioned herein, or incidental hereto, and supersedes all negotiations between the parties with respect to all or any part of the subject matter hereof, except as may be expressly provided herein. All waivers of the provisions of this Agreement must be in writing and signed by an authorized representative of the Party to be charged, and all amendments or addenda hereto must be in writing and signed by the appropriate representatives of both parties.

**E. Severability**

In the event any portion of this Agreement shall finally be determined by a court of competent jurisdiction to be unlawful, such provision shall be deemed to be severed from this Agreement and every other provision of this Agreement shall remain in full force and effect so long as the intent of the Parties is preserved thereby. If any one or more of the provisions contained in this Agreement shall for any reason be held to be excessively broad, it shall be construed, by limiting and reducing it, so as to be enforceable to the extent compatible with the applicable laws then in effect so long as the intent of the Parties is preserved thereby.

**F. Notices**

All written notices pursuant to this Agreement shall be addressed as set forth below or as either Party may hereafter designate by written notice and shall be

delivered in person or sent certified or registered mail, postage prepaid and addressed as follows:

To: Orange County Fire Authority  
Attn: Fire Chief  
1 Fire Authority Road  
Irvine, CA 92602

WITH COPY TO:  
David Kendig, General Counsel  
Woodruff, Spradlin & Smart, APC  
555 Anton Blvd. Suite 1200  
Costa Mesa, CA 92626

To: Heritage Fields El Toro, LLC  
c/o Five Point Communities  
Management, Inc.  
Attn: General Counsel  
25 Enterprise, Suite 400  
Aliso Viejo, CA 92652

WITH COPY TO:  
Pamela L. Andes, Esq.  
Allen Matkins Leck Gamble Mallory &  
Natsis LLP  
1900 Main Street. Suite 500  
Irvine, California 92614

All notices provided for herein shall be deemed effective upon receipt if personally served or seventy-two (72) hours after being sent by certified or registered mail, postage prepaid.

#### **G. No Recordation of Agreement**

Neither this Agreement nor any amendment or memoranda shall be recorded in the Official Records of the County by any Party.

#### **H. Time of the Essence**

OCFA and Company agree that time is of the essence with respect to each provision of this Agreement of which time is an element.

#### **I. Exhibits to Agreement**

This Agreement includes the following Exhibits, which are attached hereto and made a part hereof:

Exhibit A - Description of the Project Area

Exhibit A-1 - Depiction of Project Area

Exhibit B - Depiction of Area 1, Development Districts and Sub-districts

Exhibit C - Depiction of Area 2 and Development Districts

Exhibit D - Payment of Fees and Security Instrument Schedule

**J. Authorized Signatories**

Company and OCFA each hereby covenants and represents that each individual executing this Agreement is a person duly authorized to execute this Agreement for Company or OCFA, as applicable.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

**ORANGE COUNTY FIRE AUTHORITY**  
a California Joint Powers Authority

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Keith Richter, Fire Chief  
Orange County Fire Authority

**ATTEST:**

By: \_\_\_\_\_  
Sherry Wentz  
Clerk of the Board of the  
Orange County Fire Authority

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By:  \_\_\_\_\_  
David Kendig  
General Counsel

Date: 3/20/13



Heritage Fields El Toro, LLC  
a Delaware limited liability company

By: Heritage Fields El Toro Sole Member LLC,  
a Delaware limited liability company  
Its: Sole Member

By: Heritage Fields LLC,  
a Delaware limited liability company  
Its: Sole Member

By: Lennar Heritage Fields, LLC,  
a California limited liability company  
Its: Administrative Member

By: Lennar Homes of California, Inc.,  
a California corporation  
Its: Sole Member

Date: \_\_\_\_\_

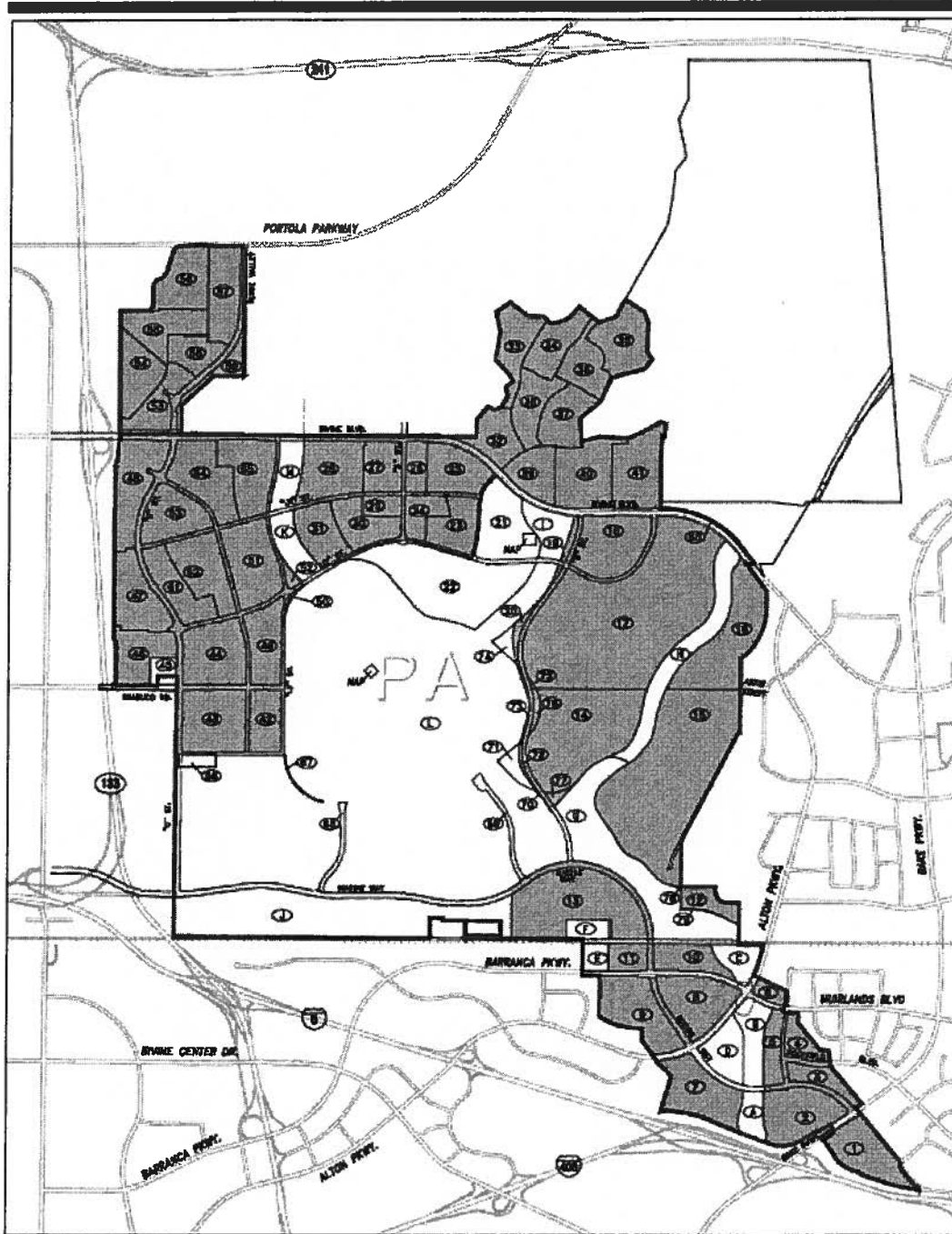
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_


## **EXHIBIT A**

### **DESCRIPTION OF THE PROJECT AREA**

The Company is the owner in fee or holder of a future interest in fee pursuant to a lease in furtherance of conveyance with the United States Department of the Navy of certain real property in the City of Irvine, County of Orange, State of California consisting of approximately 2,293 acres of land which constitutes the Project Area. The Project Area is on a portion of the Former MCAS El Toro and is more specifically described in detail on the Company's 2<sup>nd</sup> Amended Vesting Tentative Tract Map (VTTM) 17008 approved on 9-13-2011 and shown as the Project Area Depiction in Exhibit A-1.

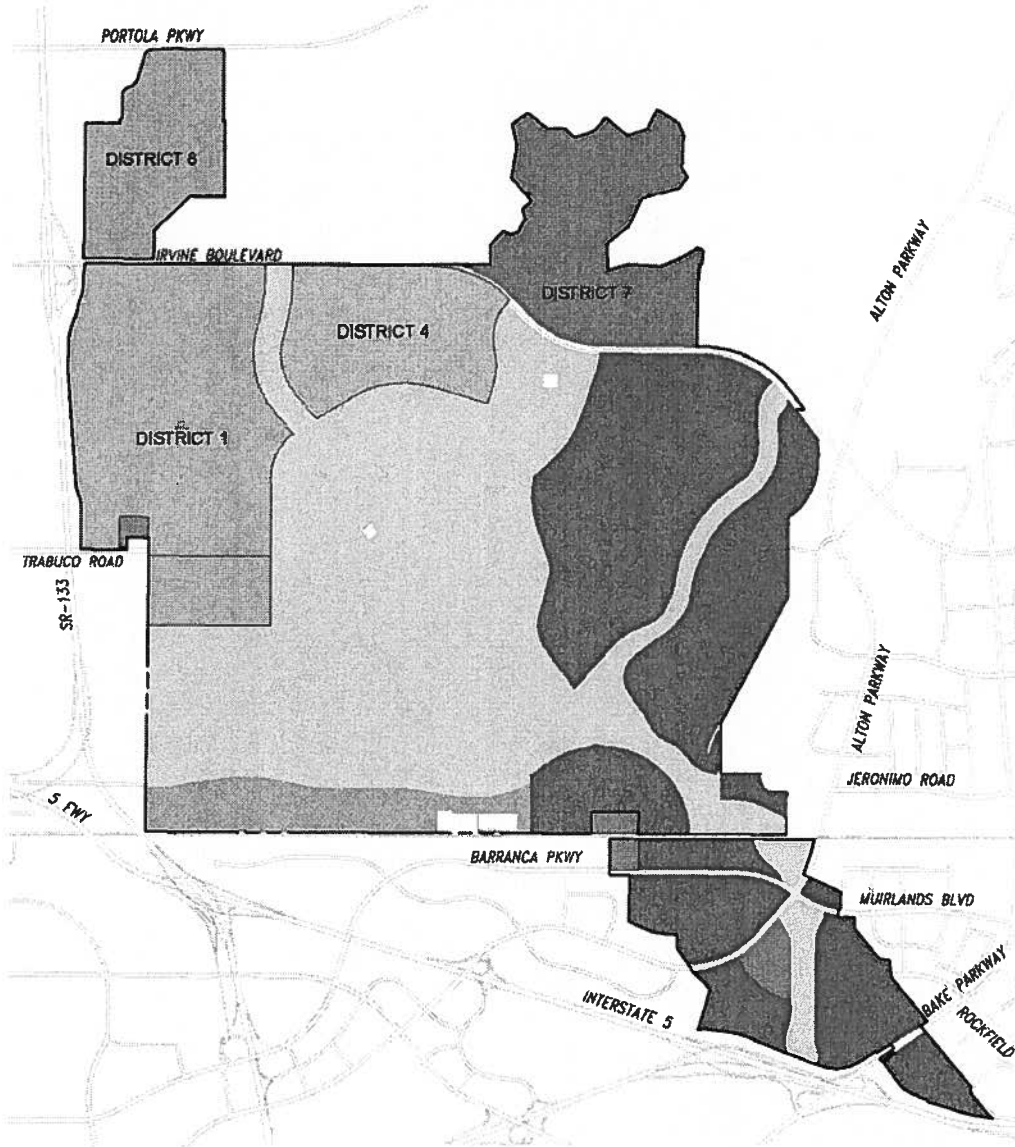
**EXHIBIT A-1  
DEPICTION OF THE PROJECT AREA**



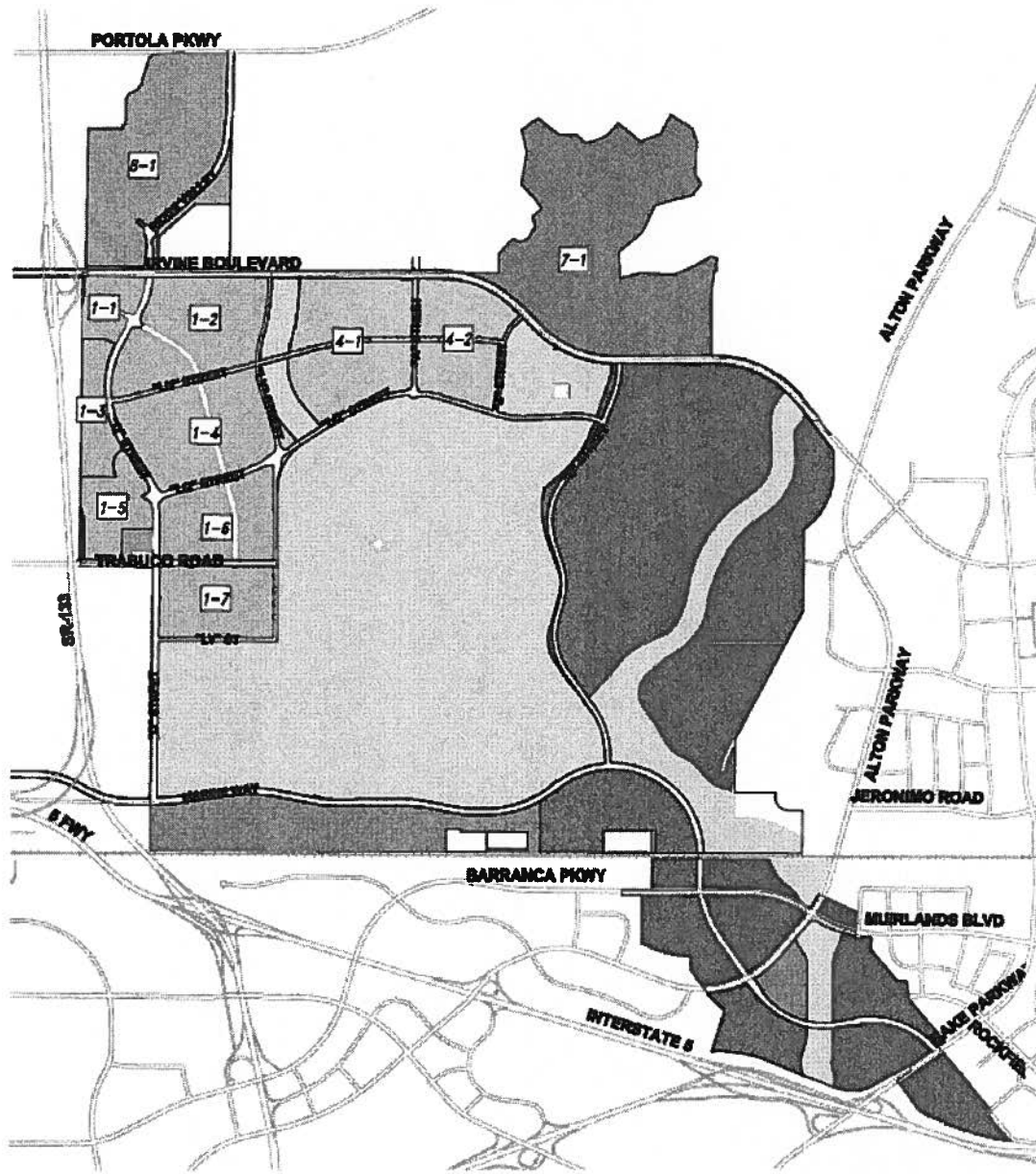
**LEGEND:**  

 PROJECT AREA  
 2ND AMENDED VTM 17008 TRACT BOUNDARY  
 LOT NUMBER  
**SUBJECT TO CHANGE**

**EXHIBIT B**

**EXHIBIT B  
PROJECT AREA 1  
DEVELOPMENT DISTRICTS**

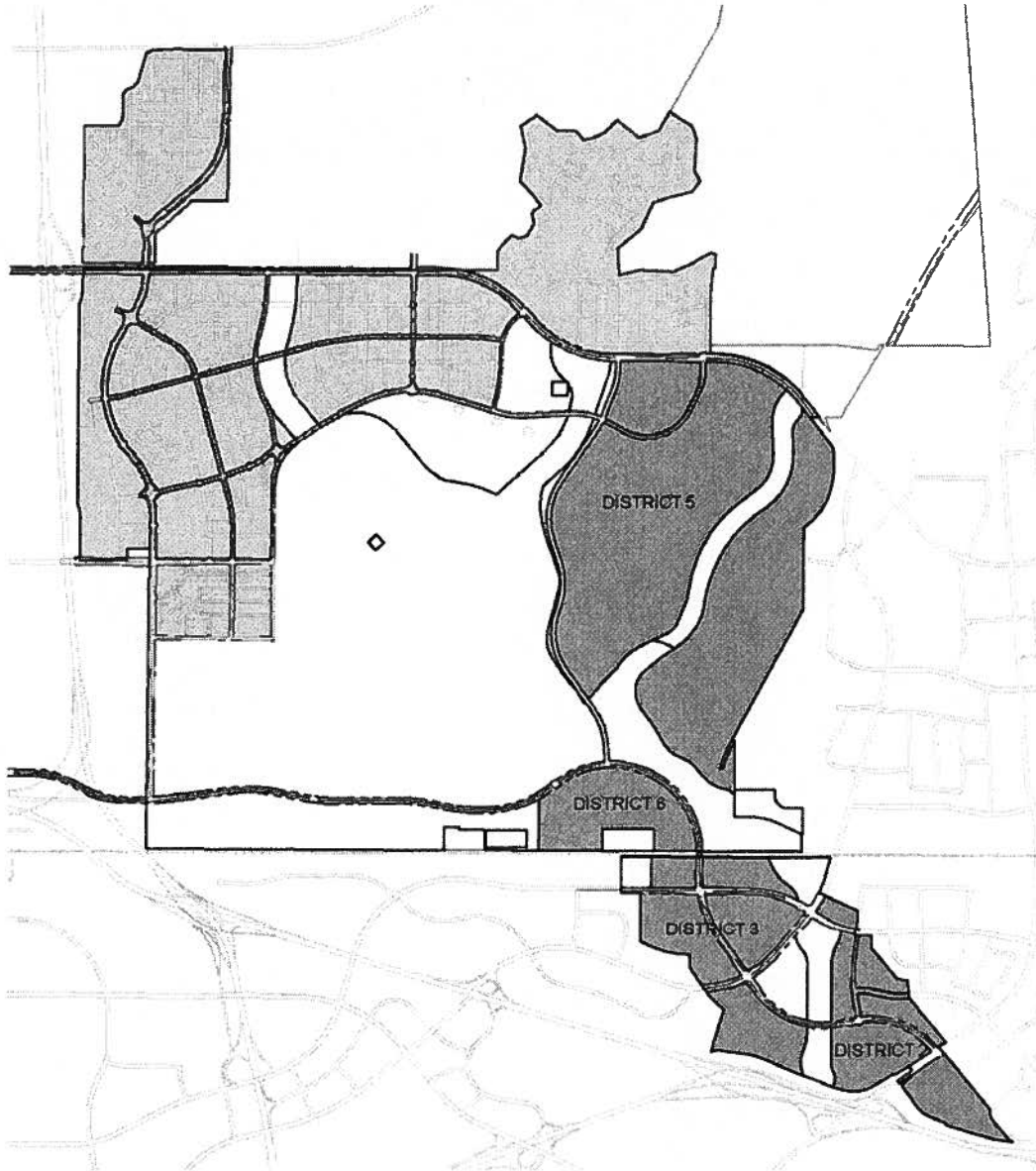


# EXHIBIT B PROJECT AREA 1 SUBDISTRICTS



**EXHIBIT C**

**EXHIBIT C  
PROJECT AREA 2  
DEVELOPMENT DISTRICTS**



**SUBJECT TO CHANGE**

## **EXHIBIT D**

### **PAYMENT OF FEES AND SECURITY INSTRUMENT SCHEDULE**

#### **Time for Submittal of Security Instruments**

**AREA 1:** Within 10 business days after the Effective Date, a Security Instrument securing payment of the Fees, as described in Section 3, shall be submitted to OCFA in the amount of \$3,113,400, which is based upon the Fees payable for 5,934 EDUs (or \$3,560,400) for all of Area 1, less the Fees payable for Sub-district 8-1 in the amount of \$447,000 (which equals 745 EDUs) that will be paid by Company within 10 business days after the Effective Date.

**AREA 2:** The following shall apply to Area 2:

(A) Within 10 business days after the date the City approves (beyond the applicable 30-day challenge or appeal period without any such challenge or appeal having been filed or brought, unless the Company otherwise proceeds with development of Area 2 notwithstanding any such appeal or challenge) a vesting tentative tract map (VTTM), tentative tract map (TTM) or parcel map (PM) for any portion of Area 2, a Security Instrument, as described in Section 3, shall be submitted to OCFA in the amount of \$3,593,200, representing the anticipated future Fees due for Area 2 based upon 3,697 EDUs and the In Lieu Payment.

(B) Within 10 business days after the issuance of the building permit representing the 9,362nd EDU in the Project Area, a Security Instrument, as described in Section 3, shall be submitted to OCFA in the amount of \$3,221,400 which is based upon an additional 5,369 EDUs attributable to Area 2.

#### **Time for Payment of Fees (by Sub-district)**

**AREA 1:** The following shall apply to Area 1. The final amounts owed and/or paid shall be subject to a final reconciliation pursuant to Section 2.D. of the Agreement entitled, "Documentation of EDUs":

(A) Within 10 business days after the Effective Date, Company shall pay OCFA the amount of \$447,000 for Sub-district 8-1 (i.e., covering 726 residential dwelling units and 21,000 square feet of Commercial Development, which equals 745 EDUs).

(B) Prior to issuance of the first building permit in each of the remaining Sub-districts in Area 1, full payment for all EDUs in that Sub-district shall be made to OCFA. (See the table attached hereto for the Fees payable by Sub-district within Area 1.)

AREA 2: The following shall apply to Area 2:

(A) Prior to issuance of the first building permit in a Sub-district in Area 2, full payment for all EDUs in that Sub-district shall be made to OCFA. For purposes of Area 2, a "**Sub-district**" shall be defined as the area within each VTTM, TTM or PM in a particular District in Area 2, and the EDUs attributable to each such VTTM, TTM or PM. For example, if a VTTM in District 5 contains 500 residential dwelling units, when the first building permit is issued for such VTTM/Sub-district, full payment for all of the EDUs in that Sub-district equal to \$300,000 (500 x \$600 = \$300,000) would be due to OCFA with the issuance of such permit. The final amounts owed and/or paid shall be subject to a final reconciliation pursuant to Section 2.D. of the Agreement entitled, "Documentation of EDUs".

(B) In addition to the Fees payable under subsection (A) above for Area 2, within 10 business days after the issuance of the building permit representing the 1,500th EDU in Area 2, an additional Fee shall be payable to OCFA in the amount of \$1,375,000, which payment shall be in lieu of any obligation to contribute land, facilities, equipment or other compensation to OCFA attributable to the Fire Service Capacity.

#### **Treatment of Fees for Affordable Units**

The Fire Service Capacity for the Project Area is for 15,000 EDUs, which includes Affordable Units. Upon request from the City for Company or another builder to construct such Affordable Units, OCFA agrees to waive the Fees attributable to such Affordable Units based on the City request for same ("**City Waived Units**"). Any Cash payments or Security Instruments required hereunder shall be reduced by the product of (i) the number of City Waived Units multiplied by (ii) the Fee.



### Area 1 Fees by Subdistrict<sup>1</sup>

Subdistrict	Residential Units	Non-Res Sq. Ft.	Equivalent Non-Res EDU	Total EDU	Total Fee
8-1	726	21,000	19	745	\$447,000
1-1	0	280,200	252	252	\$151,200
1-2	540	0	0	540	\$324,000
1-3*	544	15,000	14	558	\$334,800
1-4	489	0	0	489	\$293,400
1-5	0	422,000	380	380	\$228,000
1-6	224	346,500	312	536	\$321,600
1-7	429	0	0	429	\$257,400
4-1	606	49,789	45	651	\$390,600
4-2	496	20,211	18	514	\$308,400
7-1	840	0	0	840	\$504,000
<b>Total</b>	<b>4,894</b>	<b>1,154,700</b>	<b>1,040</b>	<b>5,934</b>	<b>\$3,560,400</b>

\* See Treatment of Fees for Affordable Units.

The Table of Fees by Subdistrict applicable within Area 2 shall be provided upon approval of the tentative or parcel map for each Subdistrict within Area 2.

<sup>1</sup> Subject to final adjustment per Section 2(D) of the Agreement

**CONSENT CALENDAR – AGENDA ITEM NO. 6**  
**BOARD OF DIRECTORS MEETING**  
**March 28, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Dave Thomas, Assistant Chief  
Operations Department

SUBJECT: **Reserve Firefighter Program Status Update**

Summary:

This item is submitted to provide a six month status report on the OCFA Reserve Firefighter Program.

Recommended Action:

Receive and file the report.

Background:

This report on the Reserve Firefighter Program activities covers the period of July 1, 2012, to December 31, 2012. During the September 23, 2010, Board of Directors meeting, staff was directed to implement the adopted recommendations to the Reserve Firefighter Program, as adopted in the Reserve Firefighter Program Report to the Board of Directors. These modifications were implemented on October 8, 2010.

***Implemented Modifications***

On October 8, 2010, the modifications to the Reserve Program were implemented as follows:

1. Reserve Firefighter Program is continued in the following stations:
  - Station #7, San Juan Capistrano
  - Station #11, Emerald Bay
  - Station #14, Silverado Canyon
  - Station #16, Modjeska Canyon
  - Station #18, Trabuco Canyon
  - Station #26, Irvine
  - Station #30, Dana Point
  - Station #32, Yorba Linda
  - Station #41, Fullerton Airport
  - Reserve Hand Crew #18, Trabuco Canyon
  
2. Development of an OCFA Citizen Fire Corps volunteer program. This program is intended to provide opportunities for community volunteers to assist the OCFA in a non-emergency role. The Board of Directors approved the implementation of this program at its January, 2012 meeting. The OCFA Fire Corps program is fully operational since October 10, 2012. We have 23 Fire Corps volunteers on staff and anticipate an additional recruitment in the spring of 2013.

3. Evaluation of the Reserve Firefighter Program is progressing on a continual basis. All current reserve stations, units, and personnel are operating as directed. No program changes are recommended at this time.
4. Recruitment is ongoing through the on-line Neo Gov system, managed by the OCFA Human Resources Section. Training priorities continue to be evaluated based on new roster sizes.
5. Reports are scheduled to be provided to the Board of Directors at six-month intervals.

***Current Reserve Program Status***

Monthly senior reserve officer conference calls and quarterly senior reserve officer meetings continue to be held in order to provide opportunities for discussion and dissemination of information.

**Roster Size/Strength:** Current reserve company rosters continue to be a concern for some companies. Most notably, Station #14 in Silverado Canyon and Station #11 in Emerald Bay remain geographically challenging areas for recruitment. Area demographics and long term cultural changes defy robust recruitment efforts. Current roster information is presented for review (Attachment 1).

**Accountability:** The accountability of the Reserve Firefighter Program performance was identified within the May 29, 2009, and September 23, 2010, Reserve Firefighter Reports and was utilized in the analysis of the program and subsequent recommendations for action.

Individual reserve performance continues to be evaluated, which requires that each Reserve Firefighter respond to a minimum of 30% of all calls for their station/unit. This means that each reserve is expected to respond to their station for 3 out of 10 calls for service within the allotted response time.

The ability to track individual performance has been greatly improved by the programming and implementation of the Reserve Staffing Program. This program is a proprietary software program that is used to enter and track the individual activities of each reserve. The reserves are required to enter their incident response records into the system, as well as entering their drills, training, and community activity information. This system is now directly tied into the OCFA's Payroll System, which minimizes any manual entries by payroll staff, reducing the possibility of entry errors. Additionally, this system can be utilized to determine individual performance frequency, as well as the ability to determine whether or not a response-ready crew was able to respond to the station within the approved timeframes. This is an important factor in the measurement of individual and unit performance.

Unit performance standards are defined as:

- a. Engines and Patrols: *“The appropriate number of properly trained personnel needed for the most resource dependent unit to arrive at the station within 10 minutes 80% of the time”*
- b. Water Tenders and Air Utilities: *“The appropriate number of properly trained personnel to arrive at the station within 20 minutes 80% of the time”*
- c. Helicopter Support and Reserve Hand Crew: *“The appropriate number of properly trained personnel to arrive at the station with 45 minutes 80% of the time”*

As noted in the September 23, 2010, report, the need to measure the ability for reserve personnel to respond and arrive at the station in a timely manner is important; the need to measure the ability to place the unit enroute to an incident and arrive on scene is also an important analysis factor. The combination of these factors helps to define the *effective utilization* of a unit, in order to measure whether the unit was effective, ineffective, or not necessary. During this evaluation period, all of the current reserve units would appear to have been utilized effectively.

After intensive discussion and data collection, it was determined by staff that to minimize response discrepancies and staffing pressure, patrols would be dispatched to medical and remote rescue responses only (in lieu of dispatching both the RFF engine and patrol). All other dispatch modalities remain the same. This change took place on December 13, 2013, and will be reviewed accordingly in 2013 for effectiveness.

**Recruitment/Hiring:** Due to roster vacancies, the Community Volunteer Services (CVS) Office has recently been focused on the three Level 1 reserve stations for targeted recruitment efforts. Outreach efforts are being reviewed to improve the recruiting and hiring of reserve firefighters at the following reserve stations:

Station 11	Emerald Bay
Station 14	Silverado Canyon
Station 16	Modjeska Canyon

Applicant interest remains high for the helicopter support crew at Station #41, and for the reserve hand crew at Station #18. This can be attributed to the programs being able to draw applicants county-wide, based on the 45 minute response criteria and provides opportunities for individuals not within response range of the other reserve stations. Current roster information and applications can be reviewed in Attachment 1.

Efforts are underway for the planning, recruitment, and hiring of candidates for Reserve Academy #16, scheduled to begin in July, 2013.

The CVS Office continues to evaluate the need for periodic tests to measure the physical fitness of new applicants to the Reserve Firefighter Program. The OCFA currently uses the Biddle Physical Agility for Level 1 (14, 16, and 11) station applicants and the Arduous Pack Test, developed by the United States Forestry Service, for Level 2 station applicants. Scheduling these

tests on an as-needed basis ensures that the available applicants are processed in a timely fashion for the hiring and selection of new reserve firefighters.

**Training:** The Operations Training and Safety Section continue to provide monthly and quarterly training to the reserve firefighters. This training consists of in-station, and centralized training, in order to provide skills maintenance, new training concepts, and implementation of mandatory training requirements.

Reserve Academy #15 began on July 29, 2012, and graduated on December 1, 2012. Forty-two academy recruits graduated as reserve firefighters.

A Reserve Driver-Operator and Water-Tender Driver Academy was conducted in the fall of 2011. Thirty-seven candidates applied, with 26 approved for roster positions in the course. Of these, 22 candidates\* completed and graduated the course:

- 4 Reserves as Level 1 Driver-Operators (Type 1 Engines)
- 13 Reserves as Water Tender Operators
- 10 Reserves as Air Utility Operators
- 8 Reserves as Helicopter-Tender Operators

\* Note: Several Reserve Firefighters completed training on multiple units. Another Reserve Driver-Operator and Water-Tender Academy is scheduled for March 2013.

A “needs assessment” is being conducted to determine if a reserve officer training course is warranted. Seventeen candidates completed such training in December 2011 and were qualified for application as new reserve officers for the 2012-2013 terms.

Training continues to be provided to career firefighters for the operation of the patrol units with Compressed Air Foam Systems (CAFS).

The CVS Office and Emergency Medical Services (EMS) Office are continuing to ensure that all reserve firefighters complete mandatory Emergency Medical Technician (EMT) training and certification within 18 months of appointment and ensure re-certification every 2 years. To help facilitate this requirement, EMS staff is helping to coordinate delivery of EMT courses through Santa Ana Community College and OCFA staff.

Reserve firefighters who allow their EMT certification to lapse are notified of this requirement by U.S. Mail. This notification provides direction that if they do not complete EMT training by their final due date, that they will be separated from the Reserve Firefighter Program.

**Residency Requirements:** The CVS Office continues to periodically review data to evaluate that all reserves meet the residency and response requirements, as adopted by the Board.

**Performance Measures/Threshold:** Response performance is tracked by pay period in the staffing system and is evaluated on a quarterly basis for compliance.

**Resources:** No changes to the allocation of resources have occurred since the October, 2010 modifications to the Reserve Program.

Initial training has been completed for career firefighters and engineers in the operation of the patrol/CAFS units and water tenders and continues routinely for proficiency.

***Reserve Program Cost Savings***

Following the modifications of the Reserve Program, significant cost savings have been achieved in the direct costs of the program. This is attributed to:

- All units placed on Select Call
- Elimination of the All-Call System
- Reduction in reserve personnel
- Reduction in stipend payments
- Reductions in insurance and benefit costs

Reserve Program Direct Costs			
<b>2010/2011*</b>	Actual Stipends Paid	\$391,472	
	Insurance and Benefits	\$141,821	
	Total Direct Costs		\$533,293
<b>2011/2012*</b>	Actual Stipends Paid	\$259,033	
	Insurance and Benefits	\$97,786	
	Total Direct Costs		\$356,819
<b>2012/2013 (Budgeted)</b>	Estimated Stipends Paid	\$375,000	
	Insurance and Benefits	\$129,547	
	Total Direct Costs		\$504,547
<b>10/11 to 11/12</b>	Difference		(176,474)

\*Data based on actual expenditures for the fiscal year.

Note: Direct costs represented reflect only the costs of stipends, benefits, and insurance paid to, or on behalf of the reserves. Cost figures do not represent other indirect costs such as: overtime paid to staff for training and meetings, costs of stations and equipment, costs of services and supplies, and equivalent values of staff personnel time expended for the Reserve Program during a normal work schedule.

Impact to Cities/County:

Not Applicable.

Fiscal Impact:

As noted in Reserve Program cost savings, continued budget savings and reductions have been realized in FY 11/12 and will continue in future fiscal year budgets.

Staff Contact for Further Information:

George Casario, Battalion Chief, Community Volunteer Services  
[georgecasario@ocfa.org](mailto:georgecasario@ocfa.org)  
(714) 573-6055

Attachments:

1. Reserve Program Staffing Levels as of 12/31/2012
2. Summary of Reserve Unit Performance (7/1/12 to 12/31/12)

Reserve Firefighter Program  
STAFFING LEVELS

Reserve Program staffing levels, vacancies, applications, and new recruits as of December 31, 2012

	<b>Station</b>	<b>Equipment</b>	<b>Total Roster Positions</b>	<b># Qualified</b>	<b># Vacancies</b>	<b># in Academy</b>	<b>% of Total Roster</b>	<b>Apps in NeoGov</b>
7	San Juan Capo	Patrol, WT	25	21	4	0	84%	8
11	Emerald Bay	Engine, Patrol	25	14	11	0	56%	8
14	Silverado Cyn	Engine, Patrol	25	7	18	0	28%	1
16	Modjeska Cyn	Engine, Patrol, WT	25	17	8	0	68%	4
18	Trabuco Cyn	Patrol	20	13	7	0	65%	10
26	Irvine	Patrol	20	16	4	0	80%	25
30	Dana Point	Patrol, Air Unit	25	19	6	0	76%	12
32	Yorba Linda	Patrol, WT	25	24	1	0	96%	19
C18	Trabuco Cyn	Reserve Hand Crew	35	24	11	0	68%	81
C41	Fullerton Airport	Heli-Support, WT, Air Unit	35	28	7	0	80%	166
<b>Totals</b>			<b>260</b>	<b>183</b>	<b>58</b>	<b>0</b>	<b>70%</b>	<b>334</b>



**Orange County Fire Authority  
Reserve Program Summary\* of Unit Performance  
July 1, 2012 to December 31, 2012**

	(A)	(B)	(C)	(D)	(D/B)	(E)	(F)	(D/F)	(G)	(H)	
	# Unit Calls	# Times Enroute <sup>i</sup>	# Calls Cancelled <sup>ii</sup>	Calls Counted <sup>iii</sup>	% Enroute <sup>iv</sup>	>10 Min Enroute	# On Scene	% On Scene	# O/S First	% O/S First	
San Juan											
Capistrano	<i>Patrol 7</i>	266	113	-77	189	60%	8	59	31%	26	14%
	<i>Water Tender 7</i>	4	2	-1	3	66%	2	1	33%	0	0%
	<b>Sta. 7 Totals</b>	<b>270</b>	<b>115</b>	<b>-78</b>	<b>191</b>	<b>60%</b>	<b>10</b>	<b>60</b>	<b>31%</b>	<b>26</b>	<b>14%</b>
Emerald Bay											
	<i>Engine 11</i>	68	26	-9	59	44%	00	27	46%	12	20%
	<i>Patrol 11</i>	69	43	-8	61	70%	1	41	67%	26	43%
	<b>Sta. 11 Totals</b>	<b>137</b>	<b>69</b>	<b>-17</b>	<b>120</b>	<b>57%</b>	<b>1</b>	<b>68</b>	<b>57%</b>	<b>38</b>	<b>32%</b>
Silverado											
	<i>Engine 14</i>	28	13	-5	23	56%	0	9	39%	6	26%
	<i>Patrol 14</i>	18	10	-5	13	77%	2	6	49%	4	31%
	<b>Sta. 14 Totals</b>	<b>46</b>	<b>23</b>	<b>-10</b>	<b>36</b>	<b>64%</b>	<b>2</b>	<b>15</b>	<b>42%</b>	<b>10</b>	<b>28%</b>
Modjeska											
	<i>Engine 16</i>	36	28	-4	32	87%	0	20	62%	8	25%
	<i>Patrol 16</i>	44	35	-5	39	90%	2	23	59%	1	2%
	<i>Water Tender 16</i>	6	5	-1	5	100%	1	1	20%	0	0%
	<b>Sta. 16 Totals</b>	<b>86</b>	<b>68</b>	<b>-10</b>	<b>76</b>	<b>89%</b>	<b>3</b>	<b>44</b>	<b>58%</b>	<b>9</b>	<b>12%</b>
Irvine											
	<i>Patrol 26</i>	180	156	-7	173	90%	3	91	53%	28	16%
	<b>Sta. 26 Totals</b>	<b>180</b>	<b>156</b>	<b>-7</b>	<b>173</b>	<b>90%</b>	<b>3</b>	<b>91</b>	<b>53%</b>	<b>28</b>	<b>16%</b>
Trabuco Canyon											
	<i>Patrol 18</i>	45	28	-9	36	78%	5	15	42%	5	14%
	<i>Crew 18</i>	9	5	-1	8	63%	4	4	50%	0	0%
	<b>Sta. 18 Totals</b>	<b>54</b>	<b>33</b>	<b>-10</b>	<b>44</b>	<b>71%</b>	<b>9</b>	<b>19</b>	<b>43%</b>	<b>5</b>	<b>11%</b>
Dana Point											
	<i>Patrol 30</i>	180	89	-52	128	70%	13	67	52%	28	22%
	<i>Air Utility 30</i>	13	8	-0	13	62%	6	8	62%	0	0%
	<b>Sta. 30 Totals</b>	<b>193</b>	<b>97</b>	<b>-52</b>	<b>141</b>	<b>66%</b>	<b>19</b>	<b>75</b>	<b>53%</b>	<b>28</b>	<b>20%</b>

**Orange County Fire Authority  
Reserve Program Summary\* of Unit Performance  
July 1, 2012 to December 31, 2012**

	(A)	(B)	(C)	(D)	(D/B)	(E)	(F)	(D/F)	(G)	(H)	
	# Unit Calls	# Times Enroute <sup>i</sup>	# Calls Cancelled <sup>ii</sup>	Calls Counted <sup>iii</sup>	% Enroute <sup>iv</sup>	>10 Min Enroute	# On Scene	% On Scene	# O/S First	% O/S First	
Yorba Linda											
	<i>Patrol 32</i>	84	60	-13	71	85%	2	30	42%	10	14%
	<i>Water Tender 32</i>	3	2	-0	3	66%	1	0	0	0	0%
	<b>Sta. 32 Totals</b>	<b>87</b>	<b>62</b>	<b>-13</b>	<b>74</b>	<b>76%</b>	<b>3</b>	<b>30</b>	<b>40%</b>	<b>10</b>	<b>13%</b>
Fullerton											
Airport											
	<i>Heli-Support 41</i>	8	7	-0	8	87%	1	4	50%	0	0%
	<i>Heli-Tender 41</i>	12	7	-1	11	64%	6	4	36%	0	0%
	<i>Water Tender 41</i>	4	2	-0	4	50%	0	2	50%	0	0%
	<i>Air Utility 41</i>	0	0	-0	0	0	0	0	0	0	0%
	<b>Sta. 41 Totals</b>	<b>24</b>	<b>16</b>	<b>-1</b>	<b>23</b>	<b>69%</b>	<b>7</b>	<b>10</b>	<b>43%</b>	<b>0</b>	<b>0%</b>

\*Summary includes all dispatched calls for Reserve units.

<sup>i</sup> Calls Cancelled statistics represent times that the reserve unit was cancelled before the reserve crew respond to the station to place the unit enroute. These statistics do not count against the reserves as a non-response.

<sup>ii</sup> Calls Counted statistics represent the number of total calls after removing Calls Cancelled data.

<sup>iii</sup> Reserve unit performance requirements require the unit to be placed enroute within 10 minutes or less, 80% or greater of the time.

<sup>iv</sup> Reserve Engines and Patrols are required to respond within 10 minutes; Air Utilities and Water Tenders are required to respond within 20 minutes; Helicopter Support Crew 41 and Crew 18 have a 45 minute response time to station and are frequently cancelled. This may account for low enroute statistics.

**CONSENT CALENDAR - AGENDA ITEM NO. 7**  
**BOARD OF DIRECTORS MEETING**  
**March 28, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Brian Stephens, Assistant Chief  
Support Services Department

SUBJECT: **Adoption of OCFA 2013 Legislative Policy Guidelines**

Summary:

This item is submitted for approval and adoption of the OCFA 2013 Legislative Policy Guidelines.

Recommended Action:

Adopt the OCFA 2013 Legislative Policy Guidelines and direct OCFA staff to initiate procedures to implement those policies.

Background:

At the beginning of each calendar year, the OCFA Legislative Services Section, in conjunction with Executive Management, identifies and recommends the legislative priorities for the year. This year the item was delayed for adoption until the completion of our RFP for state and federal lobbyists. With two firms now selected and engaged they have been informed and consulted on issues that OCFA should focus on for 2013.

A number of issues in the attached document are continued from previous years, while others are anticipated issues that may arise in the next year. The OCFA Legislative Services Section monitors the progress of approximately 400 to 500 State and Federal bills annually. OCFA takes formal positions to the Executive Committee for adoption, but any director may request staff to revise or consider new legislative positions at anytime.

The Policy Guidelines identify what areas or legislative actions will be undertaken or positions advanced by OCFA staff this year. Some key Federal issues include various grants that OCFA could be eligible for, as well as funding for the Urban Search and Rescue Team (USAR). Our legislative consultants in Sacramento and Washington, D.C. will advocate OCFA's legislative priorities, and staff will work closely with other public safety agencies and stakeholders on issues of mutual interest. Staff has begun tentatively planning OCFA's federal lobby trip for the week of May 6, 2013, to coincide with the Congressional Fire Service Institute Conference. This will allow us to lobby Congress in conjunction with our National USAR partners.

A number of state bills have been identified for analysis and will be presented to the Executive Committee in April for formal positions. Included in these bills are efforts to repeal the State Responsibility Area fee, renewed efforts to revive redevelopment-like tools such as tax increment financing, infrastructure development, and attempts to revise last year's pension reform legislation.

Impact to Cities/County:

Not Applicable.

Fiscal Impact:

Not Applicable.

Staff Contact for Further Information:

Jay Barkman, Legislative Analyst

[jaybarkman@ocfa.org](mailto:jaybarkman@ocfa.org)

(714) 573-6048

Attachments:

1. 2013 Legislative Policy Guidelines
2. Federal Lobbyist Report
3. State Lobbyist Report

## 2013 OCFA LEGISLATIVE POLICY GUIDELINES

### **Policy Description**

The purpose of the Orange County Fire Authority (OCFA) Legislative Policy Guidelines is to provide a framework for the advocacy efforts of the Board of Directors, legislative advocates, and OCFA staff. Most policy guidelines are derived from past legislative history, anticipated legislation, or government action and prior Board policy. This framework provides a structure for the Authority to respond to State and Federal issues in a timely and effective manner.

### **Budget and Fiscal**

#### 1. State Mandated Programs

- 1.1. Support full cost reimbursement to OCFA by the State for all mandated programs.
- 1.2. Oppose new or continuing unfunded State mandates.

#### 2. Revenues, Fees, and Taxes

- 2.1. Review and monitor measures that assist in the development of additional funding sources.
- 2.2. Support measures that further prohibit the diversion of local revenues, fees and taxes by the State.
- 2.3. Oppose any measures to shift taxes or other revenues received by OCFA to fund the State or program responsibilities of the State; or to restrict OCFA's appropriate use of existing revenues.

#### 3. Realignment of State and Local Services and Funding

- 3.1. Monitor implementation of 2011 State-County realignment and any new proposals to shift state services to the local level. Report to the Board any financial impact to OCFA or member agencies. .
- 3.2. Oppose the mandating of additional fire protection responsibilities on local agencies, specifically in the area of wildland protection, which does not provide corresponding funding or reduces current funding for protection of State Responsibility Areas.

#### 4. State Responsibility Area (SRA) Fees

- 4.1. Support legislative and administrative efforts to provide oversight of fee collection and equitable distribution of grant funds associated with fee. Staff will coordinate with the Association of Contract Counties.
- 4.2. Oppose additional SRA fee legislation or regulations that divert current fee revenues away from fire prevention or protection activities in the SRA.

### **Public Protection**

#### 1. Fireworks

- 1.1. Oppose expansion of firework sales period beyond current July 4<sup>th</sup> holiday.
- 1.2. Support efforts to streamline enforcement, licensing and permitting of Safe and Sane Fireworks in conjunction with improving disposal of seized fireworks.

2. Fire Protection
  - 2.1. Support legislation that decreases fire risk, appropriately increases fire safety, and provides for discretionary input by local fire agencies on development in the Wildland Urban Interface.
  - 2.2. Support fire prevention measures to mitigate potential threats of firestorm disasters.
  - 2.3. Support arson investigation and prosecution measures.
3. Disaster & Terrorism Response
  - 3.1. Support appropriate funding by the State and Federal government for emergency planning and response purposes.
  - 3.2. Support measures that provide State/Federal assistance in supporting anti-terrorism equipment, training, and staffing needs.
4. Emergency Medical Service
  - 4.1. Oppose measures that require prior authorization from health benefit providers for emergency medical treatment.
  - 4.2. Support efforts to strengthen and reaffirm local “201 rights” to administer EMS services in coordination with County EMS agencies.
5. Vehicles
  - 5.1. Support measures that exempt sales and use taxes on the purchase of any firefighting vehicle/apparatus.
  - 5.2. Support measures that provide emergency vehicles flexibility in meeting weight and length limits.
6. Communications
  - 6.1. Oppose any measures that take dollars from the State 911 Fund to be used for other purposes than 911 positions and/or replacement equipment.
  - 6.2. Support legislation that strengthens fines and penalties on false or abusive 911 calls.

## **Administrative Issues**

1. Human Resources/Employee Relations
  - 1.1. Oppose efforts, which reduce local control over public employees’ disputes and impose regulations of an outside agency.
  - 1.2. Oppose a new mandatory Social Security tax for public employers and public employees.
  - 1.3. Oppose any changes to public employee health care benefit programs that reduce control over coverage plan options or impacts employee privacy.
2. Workers Compensation, Public Works and Miscellaneous
  - 2.1. Oppose the expansion or addition of new presumptive injuries or illnesses that force local agencies to provide benefits without reasonably considering if the injury or illness is related to employment.
  - 2.2. Oppose legislation that attempts to limit and/or decrease the existing amount of retention proceeds withheld from any payments by a public entity from the contractor on a public project.

- 2.3. Support measures for alternate energy sources and support and encourage the use of renewable energy and conservation.
- 2.4. Support measures that provide flexibility to public entities and lower rates or incentives for energy conservation.
- 2.5. Support measures that limit OCFA's legal or insurance liabilities.

During the course of the legislative year, we anticipate a number of bills will be introduced that will fall within one of the above categorical areas. We will keep the Board of Directors informed, through reports to the Executive Committee, on the status of these legislative activities. Any newly introduced bills that have an impact on OCFA will be summarized with a recommended position on legislation, and be provided to the Executive Committee for its approval.

### **2013 Federal Legislative Priorities**

In 2013, OCFA will be concentrating our federal efforts in the following areas:

1. Urban Search and Rescue Team (USAR): Continue to advocate increased funding for existing USAR teams and for flexible guidelines in spending funds. Support legislation authorizing the national USAR system that recognizes the current 28 teams, provides appropriate funding authorization, and establishes an advisory committee to address future concerns by OCFA and other teams. With ongoing disagreement on how to pursue future spending levels, deficit reduction and taxes it is unlikely that increased funding to USAR will be provided. Working with our federal lobbyists and National USAR partners we will seek to maintain funding levels and secure increases or greater flexibility in administration as opportunities arise.
2. Ready Set Go/Wildland Mitigation: OCFA has begun implementing Ready Set Go and is seeking to expand and continue efforts in the community. In 2009 OCFA received \$252,000 in federal funds as a result of an earmark request supported by Congressman Calvert. Congress has ceased earmarking federal funds from this and other federal accounts but OCFA continues to pursue awards under the competitive grant process. OCFA will continue to express support for funding the Mitigation Grant program.
3. Fire Safe Councils: Support continued Federal funding and legislation expanding the activities and efforts of Fire Safe Councils. Senator Feinstein has historically supported the funding of California's Fire Safe Councils and these funds are awarded out via competitive grants that OCFA or local fire safe councils may seek. In 2012 OCFA was awarded a grant for additional fuel removal in the Cowan Heights Community and is the process of formally accepting and finalizing environmental review for this grant. OCFA will communicate our ongoing support for this grant program and comment on aspects of it we find advantageous as compared to other federal grants for fuel removal work.
4. Assistance to Firefighters Grants & SAFER Grants: Support increased federal funding of Fire Act grants from FEMA. Support increased flexibility in grant programs to account for local economic hardships and difficulties in meeting match requirements.

### **2013 State Legislative Priorities**

In 2013, OCFA seeks to concentrate our State efforts in the area of the Budget and protecting local revenues. While state revenues are projected to improve in 2013 a number of past actions continue to impact local agencies, including the elimination of redevelopment agencies and the realignment of state services to Counties. In 2011 realignment proposals included fire protection provided by six counties, including Orange County, to the SRA. While fire protections services were not included in the final legislation OCFA will monitor efforts to revisit the State-Local fire protection relationship in 2013.

In addition, with supermajorities in both houses it is possible Democrats revisit issues such as the SRA fee, and possible conversion to a tax levy, or amend other tax statutes as they relate to voting thresholds or change of ownership under for purposes of reassessment.

#### **1. CAL FIRE Budget**

Governor Brown's 2013 Budget was recently released and as a result of the November passage of the sales tax increase it spares CAL FIRE from any reductions. As one of six counties contracted by the State we provide coverage to the SRA for CAL FIRE. This State-Local relationship assists OCFA in staffing our wildland fire stations. This may provide additional benefit as the State fully implements the SRA fee program and assist OCFA to secure grant funds or support communities with those funds to perform mitigation work in the SRA. .

#### **2. SRA Fee**

The SRA fee has been formally adopted by the State Board of Forestry and Fire and discussions are ongoing on how appeals will be handled. In addition, as revenues begin to build the SBFF is discussion how to ensure revenues are properly accounted. Finally, the SBFF is developing a framework for the grant program allowed under the SRA fee legislation.

#### **3. Local Infrastructure Financing**

As a result of the dissolution of redevelopment there have been legislative efforts to revive some of the tools that existed with those agencies to pursue local infrastructure projects. These efforts have varied and have often taken the approach of expanding the use of tax increment financing. In most cases these have been in the form of further empowering local agencies to create new agencies or improving existing tools such as infrastructure financing districts. As a local agency primarily funded by property tax revenues these efforts could impact OCFA. However, we are also aware that our city partners are supportive of efforts to provide them a means to address critical infrastructure and economic development needs. Staff will report regularly to the Executive Committee on how these efforts evolve and potentially impact OCFA.



# Holland & Knight

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## Memorandum

March 15, 2013

To: Orange County Fire Authority

From: Lisa Barkovic  
Dan Maldonado

Re: Federal Update

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This report has been prepared for the Orange County Fire Authority by Holland & Knight LLP to provide a federal update on budget and appropriations issues that are of interest to the Authority. The following is a summary Congressional & Administration action thus far in March 2013.

### Sequestration

The sequester begun on March 1 leaving federal departments and agencies to deal with approximately 5% in cuts to defense and nondefense spending for FY 2013. The White House issued a memo guiding agencies on how to implement the \$85 billion across-the-board spending cuts. In the memo, the Office of Management and Budget (OMB) estimates that a 9% cut will effectively hit domestic agency budgets, and that there will be a 13 percent cut to defense. This increase is due to the fact that the federal government only has seven remaining months to achieve the 5% in cuts for the entire 2013 fiscal year.

The memo gives agencies flexibility in how to implement the cuts, suggesting that they may consider delaying awards of new financial assistance obligations, reducing levels of continued funding and renegotiating or reducing the current scope of assistance. OMB's memo also emphasizes that agencies should increase scrutiny on decisions that include hiring new personnel, giving employee bonuses and approving new training, conferences and travel.

The sequestration will result in FEMA's current Fiscal Year (FY) 2013 funding levels being reduced by approximately 5%.

Here's how the federal government programs that affect the fire and emergency service are affected:

- The U.S. Fire Administration will be cut by \$2 million.
- DHS State and Local Programs (including the FIRE and SAFER grant programs) will be cut by a total of \$117 million.

- The U.S. Forest Service's wildland-fire management account will be cut by \$125 million.
- The U.S. Department of Interior's wildland-fire management account will be cut by \$38 million.
- The Pipeline and Hazardous Materials Safety Administration's Hazardous Materials Safety Account will be cut by \$2 million and the Hazardous Materials Emergency Preparedness Grants will be cut by \$1 million.
- Medicare will reduce reimbursements to providers by 2% starting on April 1, and there may be a delay in receiving reimbursements.

The sequestration reductions will affect FY 2013 funding levels for all GPD grants, subject to FEMA's final FY 2013 appropriation. Sequestration will not affect grants or cooperative agreements awarded in previous fiscal years.

With the sequester in place, Congress has turned its attention to passing spending bills for the remainder of FY 2013 or extending the continuing resolution for six more months. Addressing FY 2013 appropriations by March 27 is necessary in order for the government to avoid a shutdown.

### **FY 2013 Appropriations Update**

Last week, the House of Representatives passed a Continuing Resolution (CR), H.R. 933, which provides for a six-month stopgap spending bill as the current CR is due to expire on March 27. The House-proposed CR will also soften the blows of the sequester for defense and veterans programs by providing flexibility in how the cuts are applied. However, the President and Senate Democrats have expressed their concern over the measure, since it does not include protection for other domestic federal agencies.

This week, the Senate took up the six-month CR that the House cleared last week (H.R. 933). A substitute amendment offered by Appropriations Chairwoman Barbara Mikulski (D-Md.) and Ranking Member Richard Shelby (R-Ala.) includes the House-passed versions of the Defense and Military Construction-Veterans Affairs bills and includes three more FY 2013 spending bills: Agriculture, Commerce-Justice-Science and Homeland Security. Like the House stopgap funding bill, the Senate measure adheres to current spending caps of \$1.043 trillion in new spending authority, which is lowered to \$984 billion when sequester cuts are integrated.

Specifically included in the measure is:

- \$35,180,000 -- Urban Search and Rescue
- \$337,500,000 -- Fire Assistance Grants
- \$337,500,000 -- SAFER grants (also includes waiver language from FY 2012)
- \$44,000,000 -- U.S. Fire Administration

The bill also prohibits the implementation of the newly proposed National Preparedness Grant Program and encourages the Department to work with stakeholders to refine a proposal for the

proper committees of jurisdiction. The funding level supports the same amount for state and local preparedness grant programs as last year.

### **House and Senate Budget Committees Move FY 2014 Budget Resolutions**

This week, the House and Senate Budget Committees went through the process of marking-up – debating and amending – budget resolutions for FY 2014. The House Budget Committee adopted its resolution, passing it on a 22 to 17 party line vote. The full House is expected to take up its resolution when it returns to work next week. The Senate Budget Committee also adopted its resolution by a vote of 12 to 10 and will prepare to bring it to the full Senate next week, once action on the CR is completed.

The House and Senate resolutions both make assumptions about revenues and outlays over a ten-year window. The resolutions offer very different proposals, with the House proposal – offered by House Budget Committee Chairman Paul Ryan (R-WI) – mirroring the Chairman’s stated commitment to balancing the federal budget, and doing so only with spending cuts to federal programs. On the other side of the Capitol, Senate Budget Committee Chairman Patty Murray’s (D-WA) proposal works to reduce federal debt and deficit over a longer-term, outside the ten-year window the resolution projects, and does so with a mix of new revenues and spending cuts.

### **Congressional Fire Service Institute**

Trip preparations are underway for OCFA to attend the 25<sup>th</sup> Annual National Fire and Emergency Services seminars in D.C. during May 6-9, 2013. Holland & Knight will be coordinating with OCFA for meetings with the Congressional delegation, key House & Senate Committee staff and with DHS.



## Orange County Fire Authority Monthly Report March, 2013 Update

### SRA FEES

The Howard Jarvis Taxpayers Association (HJTA) has filed a lawsuit in Sacramento Superior Court and has formally served the Board of Equalization (BOE), CalFIRE and Department of Justice with the lawsuit challenging the constitutionality of the state's "Fire Prevention Fee." At this time, there is still no date as to when the court might hear the case.

BOE Member George Runner plans to formally join the lawsuit by filing an amicus brief on behalf of the California taxpayers he represents.

As of March 1, about 72 percent of bills have been paid in full and 6 percent in part, yielding \$72 million in revenue to the state. The BOE is gearing up to send out a second round of bills to rural property owners for fiscal year 2012-13.

The fire fee is opposed by the California Professional Firefighters, the California Fire Chiefs Association, numerous fire protection districts and associations, local governments and others who contend the fee represents double taxation for those who already pay local governments for fire protection and may make voters less likely to approve future augmentations to local fire protection funding.

CalFIRE is under investigation by the Department of Finance (DOF) regarding a \$3.6 million off-budget fund acquired from legal settlements. DOF and state lawmakers were unaware of the fund and expenditures for items unrelated to fire fighting. Under CalFIRE regulations, those funds were supposed to be sent to the General Fund. The DOF has begun an audit of the fund, which is expected to take about two months. In addition, it's been discovered that CalFIRE has been diverting fire fee funds over the last two years to pay for wildfire investigations. The Legislative Analyst was unaware of this funding arrangement and the Office of Legislative Counsel has opined that it doesn't think it fits into the definitions of what the fees can be used for. The Department of Finance has stated there is a nexus between collecting wildfire damages and protecting rural homeowners from future fires which serves as a deterrent.

### LEGISLATION

Several measures have been introduced into the 2013 legislative session that call for the repeal of the existing law establishing the fire prevention fee – AB 23 (Donnelly-R), SB 17 (Gaines, T.-R) and AB 124 (Morrell-R). In addition, Assemblymember

Jones (R) has introduced a spot bill regarding the imposition of the fire prevention fee.

Senator Gaines (R) has introduced SB 125, which exempts a property owner of a structure that is both within a state responsibility area (SRA) and within the boundaries of a local fire district that provides fire protection services in the district from the payment of the fire prevention fee. He has also introduced SB 147 exempting a property owner of a structure on a parcel that is within a SRA from payment of the fire prevention fee if the property owner has an income of less than 200% of the federal poverty level.

Assemblymember Skinner (D) has introduced AB 127, stating the intent of the Legislature to enact legislation that would reduce the use of flame retardants in plastic foam building insulation while simultaneously ensuring that both fire safety and long-term human and ecological health are properly accounted for without a reduction in overall building fire safety.

We are also closely watching AB 1373 (Perez, J. -D), allowing under workers' compensation the commencement of death benefits within an unspecified period of time and SB 777 (Calderon, R. -D) which, as introduced, states it is the intent of the Legislature to reform the state's response to and management of dangerous, illegal fireworks.

Attached are the fact sheets for AB 350 (Wieckowski-D), forest fire prevention act; AB 462 (Stone-D), fire protection in residential care facilities; and AB 704 (Blumenfield-D) emergency services-military experience. These measures may also be of interest to the Orange County Fire Authority.

## **BUDGET**

The Governor released his proposed 2013-14 Budget to the Legislature on January 10.

Within the Natural Resources budget component, the proposal outlines the spending distribution of the SRA Prevention Fees. For 2013-14, the Governor expects the SRA fee to generate about \$90 million in revenue. The proposed budget includes an allocation of \$46 million to support fire prevention activities within the SRA that were previously funded from the General Fund and \$14 million for state costs to collect and implement the SRA fee. The Governor also proposes \$11.2 million from the SRA fire fund and 65.1 positions to implement the provisions of SB 1241 (Ch. 311, 2012). SB 1241 requires a city or county, when it next revises its housing element on or after January 1, 2014, to also update the safety element to address the risk for fire on lands classified as SRA or very high fire hazard severity zones. The funds will be used to support ongoing general fund costs to the Board to review safety element updates and to develop recommended changes to them. The Vegetation Management Program will receive \$5 million, and \$2 million is allocated

to meet the increased activities under the Defensible Space regulations. Any dollars remaining will augment the grant program.

At this time the Governor has pulled budget trailer bill language (TBL) that proposed to change the SRA fee into a tax. Converting the SRA fee into a tax would enable the Governor to expand its use. By pulling the TBL, it is questionable whether several proposed positions to implement local agencies' general plan safety elements could be legally funded – one forester to develop forestry board policies, two battalion chiefs and eight fire captains to work with local agencies, and one forestry and fire protection administrator to oversee a statewide reporting database.

The Assembly and Senate Budget Committee hearings have begun to examine the details of the proposed spending proposal. The Governor's May Revision adjustments are due by May 14 and consist of an update of General Fund revenues and changes in expenditures for school funding requirements. Lawmakers have until June 15 to send their budget plan to the Governor.

**DISCUSSION CALENDAR - AGENDA ITEM NO. 8**  
**BOARD OF DIRECTORS MEETING**  
**March 28, 2013**

TO: Board of Directors, Orange County Fire Authority

FROM: Sherry Wentz, Clerk of the Authority

SUBJECT: **Amendments to the Board of Directors Rules of Procedure**

Summary:

This item is submitted for consideration of amendments to the Board of Directors Rules of Procedure.

Recommended Action:

Adopt the proposed Resolution to amend the Board of Directors Rules of Procedure relating to public comments, the consent calendar, and meeting curfew.

Background:

The Board of Directors Rules of Procedure, adopted on January 28, 1999, set forth the protocols and procedures pertaining to meetings of the Board of Directors and its standing committees. The Board Rules are periodically reviewed and amended as appropriate.

At the request of OCFA Board Chair Trish Kelley, staff has researched and is presenting recommendations to assist in the expedition of OCFA business in regards to public comments, the consent calendar, and methods to regulate the length of Board meetings.

*Amendment to Board Rule 3 – Order of Business for Meetings of the Board of Directors*

Due to recent concerns regarding the increased duration of recent Board meetings, staff is recommending the Board consider implementing a “9:30 p.m. Rule,” which would be to take a brief moment at 9:30 p.m. to review the remaining agenda items and make a decision regarding which items will be considered and those that may be continued to the next regular meeting. Staff is also recommending that the Board also consider implementing a 10:30 p.m. curfew, as a majority of our Directors arrive to our meeting immediately from full-time employment. We are suggesting that the Board would have the ability to extend the meeting beyond the curfew with a three-fifths vote of the Board.

*Amendment to Board Rule 5 – Decorum for Public Meetings*

Section 54954.3 of the Government Code, also known as the Brown Act, establishes regulations concerning the public’s right to address a legislative body regarding agenda items. Subdivision (a) states, “Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda...” Subdivision (b) states that “The legislative body of a local agency

*may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.”*

The Brown Act specifically states in 54954.3 (b) “*the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee’s consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body.*”

OCFA staff has also reviewed all of our member agencies’ agendas regarding public comments and their Consent Calendar protocol. Staff found that a majority allow members of the public to speak for 3 minutes on any subject within the agency’s jurisdiction at the beginning of its meeting, either after the Presentations portion of the meeting or immediately following action on the Consent Calendar. Two agencies have public comments scheduled at the conclusion of its regular business. Nine of our member agencies allow only its members or staff to pull items from its Consent Calendar, as many of these items are considered routine and many have been previously discussed and considered by committee. Several of these agencies allow members of the public to combine their comments to address off-agenda items and Consent Calendar items under the public comments portion of the meeting, and a few agencies combine all public comments (off-agenda items, Consent Calendar items, and Discussion Calendar items with the exception of Public Hearing items) to a combined total of 3-5 minutes under their public comments portion of their meetings.

OCFA staff is recommending that since a majority of agenda items on the Executive Committee and Board of Directors have been previously reviewed and considered by an OCFA committee, whose membership is composed exclusively by members of our Board, that members of the public are allowed a combined total of 3 minutes to address their concerns on both off-agenda items and Consent Calendar items, during the public comments portion of the meeting. It is recommended that the Board continue allowing a total of 30 minutes allocated at the beginning of the meeting for Public Comments, with additional time granted at the discretion of the Chair. If needed, additional time for Public Comments will be provided at the conclusion of the normal business of the Board. Public comments may still be provided for items on the Discussion Calendar.

Items on the Consent Calendar may continue to be pulled by Board Members or OCFA staff, but no longer by members of the public.

Upon adoption, the History Section (Pages 15-16) of the Board Rules and Procedures will be revised to reflect notation of all amendments.



Discussion Calendar - Agenda Item No. 8  
Board of Directors Meeting  
March 28, 2013 Page 3

Impact to Cities/County:

Not applicable.

Fiscal Impact:

Not applicable.

Staff Contact for Further Information:

Sherry Wentz, Clerk of the Authority

[sherrywentz@ocfa.org](mailto:sherrywentz@ocfa.org)

(714) 573-6041

Attachment:

Proposed Resolution with redline version of Board of Directors Rules of Procedure

**RESOLUTION NO. 2013-XX**

**A RESOLUTION OF THE ORANGE COUNTY FIRE AUTHORITY  
AMENDING THE BOARD OF DIRECTORS RULES OF PROCEDURE**

*WHEREAS*, the Orange County Fire Authority Board of Directors adopted Resolution No. 99-04, on January 28, 1999, establishing the Board of Directors Rules of Procedure, and

*WHEREAS*, the Board of Directors has periodically amended said Rules, the most recent amendment occurring on September 23, 2010; and

*WHEREAS*, the Board is considering amendments to these Rules.

*NOW, THEREFORE, BE IT RESOLVED* as follows:

The Board of Directors Rules of Procedures is amended as indicated by the redline version attached hereto as Exhibit A.

*PASSED, APPROVED and ADOPTED* this 28<sup>th</sup> day of March 2013.

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TRISH KELLEY, CHAIR  
OCFA Board of Directors

ATTEST:

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SHERRY A.F. WENTZ, CMC  
Clerk of the Authority

# OCCA BOARD OF DIRECTORS



**ORANGE COUNTY FIRE AUTHORITY  
BOARD OF DIRECTORS  
RULES OF PROCEDURE  
(Last Revision: ~~09/27/12~~-03/28/13)**

- Rule 1 Time and Place of Meetings of the Board of Directors and the Executive Committee
- Rule 2 Agendas/Minutes for Meetings of the Board of Directors
- Rule 3 Order of Business for Meetings of the Board of Directors
- Rule 4 Motions During Meetings of the Board of Directors
- Rule 5 Decorum for Public Meetings
- Rule 6 Election of Chair and Vice Chair of the Board of Directors/  
Absence of Presiding Officer
- Rule 7 Retention of Exhibits and Documentary Material received in Hearings Before the Board of Directors
- Rule 8 Ceremonial Functions and Proclamations
- Rule 9 The Executive Committee
- Rule 10 The Standing Committees
- Rule 11 Designated Labor Negotiations
- Rule 12 Alternate Directors
- Rule 13 Compensation/Reimbursement for Expenses
- Rule 14 Amendment of Rules of Procedure

**RULE 1. TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS AND THE EXECUTIVE COMMITTEE**

- (a) Except as otherwise provided in this Rule, a regular meeting of the Board of Directors shall be held on the fourth Thursday of each odd-numbered month, commencing at the hour of 6:30 p.m. in the Board Meeting Room, Regional Fire Operation and Training Center (RFOTC), One Fire Authority Road, Irvine. The meeting for the month of November shall be scheduled for the third Thursday, commencing at the hour of 6:30 p.m. in the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine.
- (b) Except as otherwise provided in this Rule, a regular meeting of the Executive Committee shall be held on the fourth Thursday of each month, with the exception of December, commencing at the hour of 6:00 p.m. in the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine.

- (c) The Clerk of the Authority shall maintain the official meeting calendar, and shall post same in the display case located in the lobby of the Board Meeting Room and posting case outside main entry gate, RFOTC, One Fire Authority Road, Irvine.
- (d) Any meeting of the Board may be adjourned to any other date and time when necessary for the transaction of business. Any adjourned meeting of the Board is part of a regular meeting.
- (e) Special meetings of the Board may be called pursuant to and in accordance with Section 54956 of the Government Code. The Clerk shall prepare the notice and call of any special meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting. A copy of the notice of the special meeting shall also be posted at the places designated in subsection (c) of Rule 1.
- (f) In the event the Board or Executive Committee, or their respective Chairs, determine it advisable to hold a regular meeting at a location other than the Board Meeting Room, RFOTC, One Fire Authority Road, Irvine, a notice specifying the location of such meeting shall be posted in the display case in the lobby of the Board Meeting Room and posting case outside main entry gate, RFOTC, One Fire Authority Road, Irvine. Additional notices shall be posted and maintained as set forth in (c) above.

**RULE 2. AGENDAS/MINUTES FOR MEETINGS OF THE BOARD OF DIRECTORS**

- (a) Items for the agenda for any regular meeting of the Board may be included on the agenda only with the approval of the Fire Chief or the Chair of the Board.
- (b) During the Board Member Comments portion of a Board meeting, any member may request that an item be placed on a future agenda of the Board of Directors. Staff will prepare reports as appropriate and place the item on the agenda for the next meeting of the Board of Directors. At any other time, any Board Member may contact the Chair to request that an item be placed on the agenda of the next meeting of the Board of Directors. This item will be placed on the Board Discussion Calendar portion of the agenda for concurrence by the Board. No staff reports or materials will be prepared until the full Board directs that the item be placed on an agenda.
- (c) As required by the Ralph M. Brown Act, items not on the posted agenda for a meeting shall not be considered by the Board except as follows:
  - (1) Upon determination by a majority vote of the Board that an emergency situation exists. The determination shall be made prior to Board consideration of the emergency item. An emergency situation is limited to:
    - (a) Work stoppage or other activity which severely impairs public health, safety or both.
    - (b) Crippling disaster which severely impairs public health, safety or both.

- (2) Upon determination by a two-thirds vote of the Board Members present, or a unanimous vote if less than two-thirds of the Members are present, that there is a need to take immediate action and that the need came to the attention of the Authority subsequent to the agenda being posted. The determination shall be made prior to Board consideration of the item.
- (3) The item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item and at which prior meeting, the item was continued to the meeting at which action is being taken.
- (d) The OCFA Board has adopted the use of Robert's Rules of Order as its official guideline in the creation of minutes. All Board/Committee meeting will be documented using action-type minutes. Minutes will document the record of what actions were taken by the governing body, not what was said. The minutes will not contain personal comments or someone's opinion about what happened.
  - (1) The minutes shall document the items identified in Rule 3 in the Board's Order of Business.
  - (2) Public comments will identify the name of the speaker, their city of residences/or organization they represent (if provided by the speaker), and identify the subject to which their comments are being submitted. If commenting on a specific agenda item, the minutes will record the speaker's name, their city of residences/or organization they represent (if provided), and identify if they are speaking in support or opposition of that item.

### **RULE 3. ORDER OF BUSINESS FOR MEETINGS OF THE BOARD OF DIRECTORS**

- (a) The order of business for regular meetings of the Board shall be:

Invocation  
 Pledge of Allegiance  
 Roll Call  
 Presentations  
 Committee Reports  
 Public Comments  
 Minutes  
 Consent Calendar

- (1) Agenda review at call of the Chair to identify those items on the Consent Calendar which a member of the Board or ~~public-OCFA staff~~ requests the opportunity to discuss.

- (2) Approval at the call of the Chair of those items for which there is no request for discussion.

~~(3) Discussion of items that the public has requested an opportunity to discuss shall be taken in sequential order.~~

Public Hearing(s)  
 Discussion Calendar  
 Chief's Report  
 Closed Session  
 Closed Session Report

## Adjournment

The Chair may alter or deviate from this order of business.

(b) 9:30 p.m. Rule: At the hour of 9:30 p.m. the meeting will take a brief moment from the agenda at hand and make a determination as to which items will be considered and those that may be continued to the next regular meeting.

(c) 10:30 p.m. Curfew: All meetings will end business at 10:30 p.m. unless the hearing body elects to extend the curfew by a three-fifths vote of all members present.

## **RULE 4. MOTIONS DURING MEETINGS OF THE BOARD OF DIRECTORS**

- (a) Action of the Board shall be taken by motion. Any action of the Board may be proposed by the motion of any Member. Such a motion, if seconded by any member, shall be on the floor and must be considered, unless a substitute motion has been made, seconded, and adopted. If a motion is not seconded, the motion fails for lack of a second, and shall be so declared by the Chair.
- (b) A motion may be withdrawn or amended by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the original motion shall remain on the floor. The second to a motion may be withdrawn by the seconder at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the Chair unless seconded by another Member.
- (c) After a motion has been seconded, any Member may discuss the subject of the motion. The Chair may, on any motion, call for the vote if it appears that further discussion will be repetitious or that a majority of the Members present concur in the call.
- (d) A motion to reconsider the vote on an agenda item may be made at the meeting at which the item was acted upon, or any adjourned session of the same meeting.

## **RULE 5. DECORUM FOR PUBLIC MEETINGS**

- (a) Members of the Board shall conduct themselves in an orderly and business-like manner to ensure that the business of the Authority shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the Board is maintained at all times. Members of the Board shall maintain a polite, respectful, and courteous manner when addressing one another, Authority staff, and members of the public during the meetings.
- (b) Subject to direction by a majority of the Board, the Chair, or in the Chair's absence the Vice Chair, or in their absence any other member designated by the Board, shall be responsible for resolving all procedural issues and for maintaining the orderly conduct and decorum of meetings. It shall be the duty of the Chair to ensure that the rules of decorum contained herein are observed. The Chair shall

maintain control of communication among Board Members, and between Board Members and the public.

(c) Communication by Board Members

1. Board Members should be recognized by the Chair before speaking.
2. A Board Member who is speaking shall remember that the purpose of the meeting is to attend to and resolve Authority business. Board Members shall avoid repetition and shall endeavor to limit their comments to the subject matter at hand. Board Members shall endeavor to express their views without engaging in lengthy debates.
3. When one Board Member is speaking, other Board Members shall not interrupt or otherwise disturb the speaker.

(d) Communication with members of the public addressing the Board.

1. Board Members may question the person addressing the Board at the conclusion of the person's comments. A Board Member wishing to ask questions of a member of the public should first be recognized by the Chair.
2. Board Members shall not engage the person addressing the Board in a dialogue, but shall confine communication to a question and answer format.
3. If a member of the audience has addressed the Board on matters which are not on the agenda, Board Members shall refrain from extended discussions of the matter. If a Board Member so wishes, he/she may, during the Board Member Comments portion of the meeting, request that the matter be placed on a future agenda.

(e) Authority Staff shall not engage in a dialogue with members of the public during Board meetings. When addressed by the Board, staff shall respond in a polite and respectful manner.

(f) Members of the Audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, and stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the Board meeting unfeasible. A member of the audience engaging in any such conduct shall, at the discretion of the Chair or a majority of the Board Members, be subject to removal from that meeting.

(g) Members of the public may address the Board of Directors during the Public Comment Period regarding any off-agenda and/or Consent Calendar items and prior to the consideration of any agenda-Public Hearing or Discussion Calendar item. Any person wishing to speak, whether during the Public Comment Period or on an agenda item, shall first complete a request to speak form slip and submit the form to the Authority Clerk prior to the calling to order of the meeting or as soon as possible thereafter.

(h) No person shall address the Board of Directors without first being recognized by the Chair.

(i) The purpose of addressing the Board of Directors is to formally communicate to the Board on matters relating to Authority business or citizen concerns within the

subject matter jurisdiction of the Board. Persons addressing the Board on an agenda item shall confine the subject matter of their remarks to the particular matter before the Board.

- (j) Each person addressing the Board of Directors shall do so in an orderly manner and shall not engage in any conduct, which disrupts, disturbs, or otherwise impedes the orderly conduct of the Board meeting. Any person who so disrupts the meeting shall, at the discretion of the Chair or a majority of the Board Members, be subject to removal from that meeting.
- (k) Persons addressing the Board of Directors shall address the Board as a whole and shall not engage in a dialogue with individual Board Members, Authority staff, or members of the audience.
- (l) A time limit of approximately three minutes per person shall be allocated to all persons addressing the Board of Directors, however, at the discretion of the Chair, an individual speaking on behalf of a group sharing common concerns or opinions may be allocated additional time to speak for the group. A total of approximately thirty minutes will be allocated at the beginning of the meeting for Public Comments, with additional time granted at the discretion of the Chair. If needed, additional time for Public Comments will be provided at the conclusion of the normal business of the Board.
- (m) Upon a violation of the rules of decorum established herein, the procedure to enforce the rules is as follows:
  - 1. Warning The Chair shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Chair, the person persists in violating these rules, the Chair shall order a recess. Any representative of the local assigned law enforcement personnel who is present at the meeting when the violation occurred shall be authorized to warn the person that his/her conduct is violating the rules and that he/she is requested to cease such conduct. If upon resumption of the meeting the violation persists, the Chair shall order another recess, whereupon the local assigned law enforcement personnel shall have the authority to order the person removed from the meeting and/or cited in violation of Penal Code Section 403.
  - 2. Motion to Enforce If the Chair of the Board fails to enforce the rules of decorum set forth herein, any Board Member may move to require the Chair to do so, and an affirmative vote of a majority of the Board shall require the Chair to do so. If the Chair fails to carry out the will of the majority of the Board, the majority may designate another Board Member to act as Chair for the limited purpose of enforcing the rules of decorum established herein.
  - 3. Clearing the Room Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the Board Members the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those



participating in the disturbance, shall be allowed to attend any session held pursuant to this Section 54957.9.

4. Violation of the California Penal Code A person or persons who substantially impair(s) the conduct of a Board meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

#### **RULE 6. ELECTION OF CHAIR AND VICE CHAIR OF THE BOARD OF DIRECTORS/ABSENCE OF PRESIDING OFFICER**

- (a) The officers of the Board are the Chair and Vice Chair.
- (b) Elections for Chair and Vice Chair shall be held at the first meeting of each fiscal year.

The method of nomination and election of the Chair and Vice Chair will be at the discretion of the Board.

- (c) The Presiding Officer of the Board, who shall be the Chair, or in the Chair's absence the Vice Chair followed by the Immediate Past Chair, then the Budget and Finance Committee Chair.

#### **RULE 7. RETENTION OF EXHIBITS AND DOCUMENTARY MATERIAL RECEIVED IN HEARINGS BEFORE THE BOARD OF DIRECTORS**

All exhibits, including documentary materials such as photographs, drawings, maps, letters, petitions, and other physical evidence received by the Board at hearings shall be retained by the Clerk as part of the record of the hearings. To the extent possible, the Clerk may furnish copies of such materials to persons requesting them upon payment of the fee prescribed for copies of public records.

#### **RULE 8. CEREMONIAL FUNCTIONS AND PROCLAMATIONS**

The Chair is authorized to represent the Authority at ceremonial functions, proclamation ceremonies, and other similar events when the Board has not otherwise designated one of its Members to represent the Authority.

#### **RULE 9. THE EXECUTIVE COMMITTEE**

- (a) The Executive Committee shall conduct all business of the Authority, with the exception of policy issues, including labor relations, budget issues, and other matters specifically retained by the Board of Directors.
- (b) The Executive Committee shall consist of no more than nine members of the Board of Directors. Members of the Executive Committee shall serve until a new member is seated in their stead by virtue of appointment or assumption of one of

the designated positions. The Executive Committee membership is comprised of the following designated positions: the Chair and Vice Chair of the Board of Directors, the immediate past Chair of the Board, and the Chair of the Budget and Finance Committee. In addition, membership as constituted, shall include at least one member of the County Board of Supervisors. The Chair shall appoint the remaining at-large members, who shall serve subject to approval by majority vote of the Directors present at a subsequent meeting. Said members are authorized to serve pending such vote of the Board. In the selection of at-large members, appointments shall be made in such a manner as to achieve approximately the ratio of cash contract cities to total member agencies of the Authority. The Chair of the City Managers Technical Advisory Committee shall serve as the ex officio non-voting member of the Executive Committee and shall not be included in the determination of a quorum for any meeting.

- (c) The Chair shall appoint a three-member panel of structural fire fund Alternate Directors and a three-member panel of cash contract city Alternate Directors. If an at-large member of the Executive Committee notifies the Clerk of the Authority that he or she cannot attend an Executive Committee meeting, the Clerk shall call, on a rotating basis, Alternate Directors from the respective panels in an attempt to replace a structural fire fund Director with a structural fire fund Alternate and/or a cash contract city Director with a cash contract city Alternate, as the case may be.

In the absence of the member of the Executive Committee representing the County Board of Supervisors, the Alternate voting member shall be, in order: the second regular member of the Board of Directors representing the County Board of Supervisors, and then the alternate member representing the County Board of Supervisors.

In the absence of the Budget and Finance Chair, the Alternate voting member shall be the Vice Chair of the Budget and Finance Committee.

Should the position of Immediate Past Chair on the Executive Committee become vacant, the most recent past Chair, who is a Director and who is not currently seated on the Executive Committee, shall serve in that capacity. Should there be no prior Board Chair on the Board of Directors, the current Director with the most tenure and not currently seated as a member of the Executive Committee will be seated on the Executive Committee and shall serve in the interim until there is an Immediate Past Chair.

There shall be no Alternate Directors appointed in the absence of the Chair, Vice Chair, or immediate past Chair.

Should the Board Chair or Vice Chair be unable to officiate over a Board and/or Executive Committee meeting that the Immediate Past Chair followed by the Budget and Finance Committee Chair assume the duty of presiding over the meeting.

## **RULE 10. THE STANDING COMMITTEES**

- (a) Standing Committees may be established by the Board of Directors for the purpose of facilitating a thorough review of various issues before presentation to and action by the full Board. Alternate Directors shall not act as alternates for Directors on standing committees.
- (b) The Budget and Finance Committee shall be established as a standing committee. The regular meetings of the Budget and Finance Committee will be on the second Wednesday of each month, with the exception of December, at 12 noon located in Classroom 1 (Board Breakout Room) at the RFOTC.
  - (1) The Chair shall make all appointments to the Budget and Finance Committee. Appointments to the Budget and Finance Committee shall be made in such a manner as to achieve, as close as reasonably possible, a balance between the number of members representing Structural Fire Fund and Cash Contract cities.
  - (2) At the first meeting of the Budget and Finance Committee following the annual election of the Chair and Vice Chair of the Board of Directors, the Directors assigned to the Budget and Finance Committee shall elect from their members a Chair and Vice Chair of the Committee.
  - (3) The Chair, or in his/her absence, the Vice Chair, of the Budget and Finance Committee shall serve as a member of the Executive Committee.
  - (4) Items for the agenda for any regular meeting of the Budget and Finance Committee shall be included on the agenda only with the approval of the Committee Chair or the Staff Liaison.
  - (5) The Board of Directors, through the Chair, shall appoint one City Manager to the Budget and Finance Committee. The City Manager shall serve as an ex officio non-voting member of the Budget and Finance Committee. As an ex officio member, the City Manager shall not be included in the determination of a quorum for any meeting.
- (c) The Claims Settlement Committee shall be established as a standing committee. The regular meetings of the Claims Settlement Committee will be at 5:30 p.m., prior to and on the same days as the regular meetings of the Executive Committee meetings. The Committee will meet in Classroom 1 (Board Breakout Room) at the RFOTC.
  - (1) The Claims Settlement Committee consists of the Board Chair and Vice Chair, the Budget and Finance Committee Chair, the Fire Chief, and the Human Resources Director. The Deputy Fire Chief shall, in the absence of the Fire Chief, be an alternate Committee member. The Risk Manager shall in the absence of the Human Resources Director, be an alternate Committee member. In the absence of a member of the Board of Directors, the absent member may designate in writing, filed with the Clerk of the Authority, an alternate Committee member from the Executive Committee who may attend and participate to the full extent as the designated Committee member.
  - (2) Staff to the Committee will be the Risk Manager or his or her designee. Additional subject matter experts may attend Committees as necessary.
  - (3) The Claims Settlement Committee shall have authority to (a) settle workers' compensation claims for amounts over \$50,000, not to exceed \$250,000,

exclusive of any statutorily required future medical payments; (b) settle non-workers' compensation claims for amounts over \$50,000, not to exceed \$250,000; and (c) advise and recommend to OCFA's attorney of record the settlement of any lawsuit in an amount not to exceed \$250,000.

#### **RULE 11. DESIGNATED LABOR NEGOTIATIONS**

- (a) For purposes of holding a closed session concerning compensation and benefits for the Fire Chief, the Board of Directors' designated representatives shall be the Chair, the Vice Chair and the Budget and Finance Committee Chair. Should the Board and/or Budget and Finance Committee reorganize prior to the completion of the Fire Chief's evaluation process the negotiators that began the process will complete the evaluation.
- (b) For purposes of holding a closed session concerning compensation and benefits for all other represented and unrepresented employees, the Board of Directors' designated representatives shall be the Chief Deputy, the Human Resources Director and any other management representative so designated at a meeting of the Board of Directors.

#### **RULE 12. ALTERNATE DIRECTORS**

An Alternate Director may act in the absence of the Director for his or her member agency and, in that capacity, may attend closed sessions of the Board of Directors. Alternate Directors shall not act as alternates for Directors on the Executive Committee or standing committees.

#### **RULE 13. COMPENSATION/REIMBURSEMENT FOR EXPENSES**

- (a) Compensation: Members of the Board of Directors are entitled to receive \$100 per meeting per day, with a maximum of \$300 per month, for voting member attendance at OCFA publicly noticed (Brown Act compliant) meetings and the monthly Chair/Chief meeting.
- (b) Authorized Expenses: OCFA funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized OCFA business. The following types of occurrences qualify a Board Member to receive payment and/or reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses, and generally constitute authorized expenses, as long as the other requirements of this policy are met:
  - 1) Communicating with representatives of regional, state and national government on OCFA adopted policy positions;
  - 2) Attending conferences designed to improve Board Member's expertise and information levels, including, but not limited to, ethics training required pursuant to California Government Code Section 53234;
  - 3) Participating in regional, state and national organizations whose activities affect OCFA's interests;

- 4) Recognizing service to OCFA (for example, acknowledging a longtime employee with a retirement gift or celebration of nominal value and cost);
- 5) Attending OCFA events.

All other expenditures require prior approval by the OCFA Board of Directors at a public meeting. The following expenses also require prior Board of Directors' approval:

- 1) International travel;
- 2) Expenses exceeding \$2,500 per person, per trip.

Examples of personal expenses that OCFA will not reimburse include, but are not limited to:

- 1) The personal portion of any trip;
- 2) Political contributions or events;
- 3) Family expenses, including partner's expenses when accompanying a Board Member on OCFA-related business, as well as children or pet-related expenses;
- 4) Charitable contributions or events, unless the event has a direct relationship to OCFA business, (for example, acknowledging extraordinary deeds by OCFA personnel) is approved by the Fire Chief and does not exceed \$250;
- 5) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- 6) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- 7) Personal losses incurred while on OCFA business.

Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

- (c) Expense and Reimbursement Guidelines: To conserve OCFA resources and keep expenses within appropriate standards for public officials, expenditures, whether paid directly by OCFA or reimbursed to a Board Member, Members should adhere to the following guidelines. Unless otherwise specifically provided, reimbursement for travel, meals, lodging, and other actual and necessary expenses shall be at the Internal Revenue Service rates presently in effect as established in Publication 463 or any successor publication.

Transportation: The most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements must be used, using the most direct and time-efficient route. In the event that a more expensive transportation form or route is used, the cost borne by OCFA will be limited to the cost of the most economical, direct, efficient and reasonable transportation form. Government and group rates offered by a provider of transportation services shall be used when available.

Automobile mileage is reimbursable at Internal Revenue Service rates in effect at the time of travel (see [www.irs.gov](http://www.irs.gov)). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

Reasonable and necessary charges for public transportation, taxi, or shuttle service are reimbursable at actual cost with receipts.

Rental vehicles may be used during out-of-county travel and will be reimbursed at actual cost. Rental vehicles may be used when the efficient conduct of OCFA business precludes the use of other means of transportation or when car rental is the most economical mode available. Itemized original receipts must be submitted with vehicle rental claims.

Lodging: Actual lodging costs will be reimbursed or paid for when travel on official OCFA business reasonably requires an overnight stay. If such lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the group rate published by the conference or activity sponsor for the meeting in question, provided that the group rate is available at the time of booking. Government and group rates offered by a provider of lodging services shall be used when available.

Non-reimbursable lodging-related expenses include, but are not limited to, costs for an extra person staying in the room, costs related to late check out or uncanceled reservations, in-room pay-per-view movie rentals, and non-OCFA business related phone calls. Itemized receipts must accompany claims for lodging reimbursements.

Meals: Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. OCFA will pay the actual cost of the meals, but will not pay for alcohol/personal bar expenses.

Telephone/Fax/ Cellular: Board Members will be reimbursed for actual telephone and fax expenses incurred on OCFA business. Telephone bills should identify which calls were made on OCFA business. For cellular calls when the Board Member has a particular number of minutes included in the Board Member's plan, the Board Member can identify the percentage of calls made on OCFA business.

Airport Parking: Long-term parking should be used for travel exceeding 24-hours. OCFA will pay the actual cost of long-term parking.

Other: Baggage handling at then current airport baggage rates per bag and gratuities of up to 15 percent will be reimbursed.

Miscellaneous: Actual expenses for registration, tuition, and parking are reimbursable for OCFA authorized business. Miscellaneous expenses must be supported with itemized receipts.

Expenses for which Board Members receive reimbursement from another agency are not reimbursable.

- (d) Expense Report Content and Submission Deadline: Expense reports must document that the expense in question meet the requirements of the policy. For example, if the meeting is with a legislator, the Board Member should explain whose meals were purchased, what issues were discussed and how those relate to the Authority's adopted legislative positions and priorities.

Board Members must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.

- (e) Audits of Expense Reports: All expenses are subject to verification of compliance with this policy.
- (f) Reports to Governing Board: At the following Board of Directors' meeting, each Board Member shall briefly report on meetings attended at OCFA expense. If multiple Board Members attended, a joint report may be made.
- (g) Compliance with Laws: Board Members should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act.
- (h) Violation of this Policy: Misuse of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to OCFA, 3) OCFA's reporting the expenses as income to the elected official to state and federal tax authorities, and 4) prosecution for misuse of public resources.

#### **RULE 14. AMENDMENT OF RULES OF PROCEDURE**

No rule of the Board shall be adopted or amended except by resolution adopted by the Board.



## HISTORY

*Board Rules of Procedure adopted 01/28/99, Resolution 99-004*

- Rule 1 Meeting schedule adopted by Board of Directors 03/30/95  
Revised meeting schedule 03/01/97  
Revised meeting schedule 08/28/97  
Sections (a), (b), (c), and (f) revised to reflect change in meeting location 11/2/10,  
Resolution 2002-20  
Sections (a), (b), (c), and (f) revised, to reflect change in meeting location 01/22/04  
Resolution 2004-01  
Section (b) reflect meeting going dark in December 09/23/10 Resolution 2010-14  
Section (c) and (f) includes prior practice of posting agendas outside main entry gate  
09/23/10 Resolution 2010-14  
Section (a) define acronym RFOTC and remove June Board meeting dedicated for the  
purpose of approving the budget Resolution No. 2011-02.*
- Rule 2 Title to include “Minutes”  
Section (b) adopted 06/22/96  
Section (b) reflects prior practice of identifying Board “Member” Comments and  
Discussion “Calendar” on agenda 09/23/10 Resolution 2010-14  
Section (2) corrects missing hyphen typo ”two-thirds” 09/23/10 Resolution 2010-14  
Section (d) adopted 09/27/12 Resolution 2012 05*
- Rule 3 Includes current practice in listing the order of business to include: Committee Reports,  
Minutes, Public Comments, and Closed Session Report 09/23/10 Resolution 2010-14*
- Rule 4 Section (a) revised 01/22/04 Resolution 2004-01*
- Rule 5 Adopted 10/23/97 Resolution 97-024*
- Rule 6 Election date specified in the Joint Powers Agreement Creating the Authority, Article II,  
Section 7  
Section (c) adopted 09/27/12 Resolution 2012-05*
- Rule 9 Formation specified in the JPA Agreement, Article II, Section 6  
Membership revised to include standing committee chairs 06/22/96  
Number of members to be set by Board of Directors 10/24/96  
Powers delegated to Executive Committee 03/01/97  
Standing Committee Chair alternate and At-large member 03/01/97  
City Manager TAC as ex officio member 06/26/97  
Membership revised to include immediate past Chair of the Board 10/23/97  
Section (b) revised to define membership, 03/23/00 Resolution 2000-06  
Section (b) revised and Section (c) added to clarify alternate member of the Executive  
Committee 09/27/01 Resolution 2001-13  
Section (b) revised number of members and ratio 01/22/04 Resolution 2004-01  
Section (c) includes designation of voting alternate of the Budget and Finance Chair and  
filling vacancy of Immediate Past Chair position 09/23/10 Resolution 2010-14  
Section (c) inclusion of clause should no prior Board of Directors be available to sit on  
Executive Committee as Immediate Past Chair Resolution No. 2011-02.*



## **HISTORY**

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- Rule 10 Committees established by Board 06/22/96  
Section (g) adopted by the Executive Committee on 05/22/97  
Committee chair elections set by Board 10/23/97  
Section (c) amended to achieve balance on Budget and Finance Committee between the number of members representing Structural Fire Fund and Cash Contract cities, 07/22/99 Resolution 99-23  
Sections (a) through (g) revised to reflect disbanding of Administration & Personnel and Planning & Operations Committees 03/23/00 Resolution 2000-06  
Section (a) designates that alternate directors shall not stand in for directors on standing committees 09/23/10 Resolution 2010-14  
Section (b) designates regular Budget and Finance Committees meetings date, time, and location 09/23/10 Resolution 2010-14  
Section numbers (c-f) renumbers to subsections (b1-b4) 09/23/10  
Section (c) changed to (c1-c3) reflecting the new Claims Settlement Committee 09/23/10 Resolution 2010-14  
Section (c) changed Claims Settlement Committee meeting time from 5:00 p.m. to 5:30 p.m*
- Rule 11 Adopted 03/24/05, Resolution 2005-05  
Changed Rule 11 subject to Designated Labor Negotiations renumbered former Rule 11 to Rule 12 09/23/10 Resolution 2010-14  
Amended Rule 11(a) to include reorganization of Board/BFC Committee prior to completion of Fire Chief's Evaluation process 09/27/12 Resolution 2012-05*
- Rule 12 Policy set forth in the JPA Agreement, Article II, Section 2.  
Revised 07/27/95 Resolution 95-13  
Revised to allow compensation 03/23/00 Resolution 2000-08  
Rule Number changed from 11 to 12, 03/24/05 Resolution 2005-05  
Revised to add Travel Reimbursement Policies 11/17/05 Resolution 2005-30  
Former Rule 11 changed to Rule 12, due to renumbering of former Rule 11 to Rule 12 and reflect that alternate directors will stand in for directors on the Executive Committee 09/23/10 Resolution 2010-14*
- Rule 13 Rule Number changed from 12 to 13, 03/24/05 Resolution 2005-05  
Former Rule 12 changed to Rule 13, due to renumbering of Rule 11 09/23/10 Resolution 2010-14  
Section (c)Other: changes baggage handling fee to current airport baggage rates 09/23/10 Resolution 2010-14  
Rule 13 (a) amended to clarify "publicly noticed (Brown Act compliant)meeting are stipend eligible meetings 09/27/12 Resolution 2012-05*
- Rule 14 Rule Number changed from 12 to 13, 03/24/05, Resolution 2005-05  
Former Rule 13 changed to Rule 14, due to renumbering of Rule 11 09/23/10 Resolution 2010-14*

**REPORTS – AGENDA ITEM NO. 9  
BOARD OF DIRECTORS MEETING  
March 28, 2013**

**CHIEF'S REPORT**

1. Customer Satisfaction Survey Results by City - February 2013

# CUSTOMER SATISFACTION SURVEY

Attachment

## Data by City for February 1 - 28, 2013

CITY/AREA	FORMS SENT	FORMS RETURNED *	PERCENT RETURNED *	AVERAGE RATING
Aliso Viejo	7	2	28.57%	100.00%
Buena Park	116	30	25.86%	93.53%
Coto de Caza	13	4	30.77%	97.32%
Cypress	54	16	29.63%	94.57%
Dana Point	66	24	36.36%	97.17%
El Modena	6	0		
Emerald Bay	2	1	50.00%	100.00%
Irvine	347	72	20.75%	97.02%
La Palma	24	2	8.33%	98.21%
Ladera Ranch	3	1	33.33%	35.00%
Laguna Hills	75	13	17.33%	96.34%
Laguna Niguel	110	32	29.09%	98.77%
Laguna Woods	168	78	46.43%	97.97%
Lake Forest	141	39	27.66%	95.43%
Los Alamitos	22	5	22.73%	100.00%
Las Flores	1	0		
Midway City	29	5	17.24%	96.43%
Mission Viejo	228	88	38.60%	98.04%
Modjeska Canyon	2	1	50.00%	100.00%
Orange Park Acres	3	0		
Placentia	97	32	32.99%	95.76%
Portola Hills	0	0		
Rancho Santa Margarita	56	26	46.43%	95.98%
Rossmoor	19	3	15.79%	100.00%
San Clemente	88	22	25.00%	98.85%
San Juan Capistrano	104	31	29.81%	98.00%
Santa Ana	491	77	15.68%	96.13%
Santa Ana Heights	7	1	14.29%	100.00%
Santiago Canyon	1	0		
Seal Beach	129	50	38.76%	97.70%
Silverado Canyon	4	0		
Stanton	80	12	15.00%	93.15%
Sunset Beach	0	0		
Trabuco Canyon	9	1	11.11%	100.00%
Tustin	160	52	32.50%	97.31%
Villa Park	14	6	42.86%	100.00%
Westminster	218	57	26.15%	95.31%
Yorba Linda	147	37	25.17%	96.56%
Non-OCFA cities	30	8	26.67%	96.68%
<b>TOTALS/AVERAGE</b>	3,071	828	26.96%	95.54%

\* Forms Returned and Percent Returned include forms sent in prior months, received this month.